



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 276 (Substitute S-1 as reported)
Senate Bill 277 (as reported without amendment)
Sponsor: Senator Steven Bieda (S.B. 276)
Senator Rick Jones (S.B. 277)
Committee: Judiciary

CONTENT

Senate Bill 276 (S-1) would amend the Michigan Penal Code to do the following:

- Establish first, second, and third degrees of killing or torturing an animal, and increase the maximum prison term for a first- or second-degree offense.
- Revise and enhance the graduated penalties for animal neglect or cruelty.
- Extend current animal neglect or cruelty prohibitions to a breeder or pet shop operator.
- Establish a felony penalty for animal neglect or cruelty by a breeder or pet shop operator who had five or more prior convictions under Public Act 287 of 1969 (which regulates pet shops).
- Allow a court to include at least five years' probation as part of a sentence for an animal neglect or cruelty offense involving 25 or more animals, or three or more prior convictions.

Senate Bill 277 would amend the sentencing guidelines in the Code of Criminal Procedure to do the following:

- Revise the guidelines for animal neglect or cruelty and establish designations for the penalties proposed by Senate Bill 276 (S-1).
- Establish designations for first-, second-, and third-degree violations involving animal torture.
- Revise scoring requirements for several offense variables.

Senate Bill 277 is tie-barred to Senate Bill 276.

MCL 750.50 et al. (S.B. 276)
777.16b et al. (S.B. 277)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

Senate Bill 276 (S-1)

The bill could have a negative fiscal impact on State and local government. The proposed changes could increase the number of individuals charged under the Penal Code and could result in longer sentences for those convicted. In 2015, there were 67 convictions under this offense category with eight offenders sentenced to prison. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government would be

approximately \$3,764 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

Senate Bill 277

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law). According to one interpretation of that decision, the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Date Completed: 4-26-17

Fiscal Analyst: Ryan Bergan