



Senate Fiscal Agency  
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BILL



ANALYSIS

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House Bills 4302 and 4304 (as passed by the House)  
Sponsor: Representative Kimberly LaSata (H.B. 4302)  
Representative Sam Singh (H.B. 4304)  
House Committee: Law and Justice  
Senate Committee: Judiciary

Date Completed: 6-12-17

### **CONTENT**

**House Bill 4302 would amend the Michigan Penal Code to increase the maximum term of imprisonment for assaulting and causing serious impairment of a body function to certain public officers and employees from 10 years to 15 years.**

**House Bill 4304 would amend the sentencing guidelines in the Code of Criminal Procedure to increase from 10 years to 15 years the statutory maximum sentence for assaulting or obstructing certain officials causing serious impairment.**

House Bill 4304 is tie-barred to House Bill 4302. Each bill would take effect 90 days after its enactment. House Bill 4302 is discussed in more detail below.

Section 479 of the Penal Code prohibits a person from knowingly and willfully assaulting, battering, wounding, obstructing, or endangering a medical examiner, township treasurer, judge, magistrate, probation officer, parole officer, prosecutor, city attorney, court employee, court officer, or other officer or duly authorized person serving or attempting to serve or execute any process, rule, or order made or issued by lawful authority, or otherwise acting in the performance of his or her duties. Section 479 also prohibits a person from knowingly and willfully assaulting, battering, wounding, obstructing, or endangering an officer enforcing an ordinance, law, rule, order, or resolution of a municipality.

A person who violates Section 479 and causes serious impairment of a body function of an individual described above is guilty of a felony punishable by up to 10 years' imprisonment, or a maximum fine of \$10,000, or both. The bill would increase the maximum term from 10 years to 15 years. ("Serious impairment of a body function" means that term as defined in Section 58c of the Michigan Vehicle Code: one or more of the following: a) loss of a limb or loss of use of a limb; b) loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb; c) loss of an eye or ear or loss of use of an eye or ear; d) loss or substantial impairment of a bodily function; e) serious visible disfigurement; f) a comatose state that lasts for more than three days; g) measurable brain or mental impairment; h) a skull fracture or other serious bone fracture; i) subdural hemorrhage or subdural hematoma; or j) loss of an organ.)

MCL 750.479 (H.B. 4302)  
777.16x (H.B. 4304)

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

### **House Bill 4302**

The bill could have a negative fiscal impact on State and local government. More felony arrests and convictions, along with increased sentence lengths for certain violations, 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.

### **House Bill 4304**

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.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.