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BILL



ANALYSIS

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House Bill 4500 (as passed by the House)  
Sponsor: Representative Pamela Hornberger  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 2-13-18

### **CONTENT**

**The bill would amend the Code of Criminal Procedure to require an embryo or fetus to be counted as a person for the purpose of determining the number of victims for an offense variable (OV) score.**

The Code includes instructions for calculating sentencing guidelines scores, based on a formula that considers OVs and prior record variables. Offense variables are scored by determining which of a set of circumstances applies and assigning a number of points attributable to the applicable circumstance with the highest number of points.

Offense variable 9 is number of victims. For the purpose of scoring OV 9, the Code requires each person who was placed in danger of physical injury or loss of life or property as a victim to be counted. Under the bill, an embryo or fetus would have to be counted as a person.

The bill would take effect 90 days after its enactment.

MCL 777.39

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State. According to the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law), the sentencing guidelines are advisory for all cases. This means that the addition to the guideline scores 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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