



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4523 (Substitute S-1 as reported)
House Bills 4524, 5137, and 5138 (as reported without amendment)
Sponsor: Representative Steven Johnson (H.B. 4523, 5137, and 5138)
Representative Scott VanSingel (H.B. 4524)
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

House Bill 4523 (S-1) would repeal the Explosives Act, which governs the handling, storage, sale, and transportation of explosives. The Act would be repealed 90 days after the bill's enactment.

House Bill 4524 would amend a section of the Revised Judicature Act that provides for joint and several liability arising out of certain acts or omissions, to change a reference to reflect the repeal of the Explosives Act.

House Bill 5137 would amend the Michigan Penal Code to do the following:

- Prohibit a person from importing, manufacturing, distributing, or storing explosive materials in the State, unless those activities complied with Federal law and regulations; and provide that a violation would be a misdemeanor punishable by up to two years' imprisonment and/or a maximum fine of \$10,000.
- Prohibit a person from handling any explosive materials while under the influence of alcoholic liquor or a controlled substance; and provide that a violation would be a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$500.

House Bill 5138 would amend the sentencing guidelines in the Code of Criminal Procedure to include the offense of importing, manufacturing, distributing, or storing explosives in violation of Federal laws and regulations, proposed by House Bill 5137, as a Class G crime against public safety with a statutory maximum sentence of two years' imprisonment.

MCL 29.41 et al. (H.B. 4523)
MCL 600.6312 (H.B. 4524)
Proposed MCL 750.204b & 750.204c (H.B. 5137)
MCL 777.16k (H.B. 5138)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

House Bill 4523 (S-1) would have no fiscal impact on the State and could have a small positive fiscal impact on local government. Any decrease in misdemeanor arrests and convictions could reduce resource demands on law enforcement, court systems, and community supervision. Any associated decrease in fine revenue would reduce funding to public libraries.

The bill would have a neutral fiscal impact on law enforcement agencies, as under the current Explosives Act, agencies are allowed to charge a \$1 fee to fulfill a requirement to process applications for the purchase and possession of explosives, and under the repeal, both provisions would be removed.

House Bill 4524 would have no fiscal impact on the State or local government.

House Bill 5137 could have a negative fiscal impact on State and local government. Additional misdemeanor arrests and convictions could increase resource demands on law enforcement and court systems. New misdemeanor convictions resulting in imprisonment for one year or longer would increase costs to the State for correctional facilities and probation supervision. 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 is approximately \$3,764 per prisoner per year. Convictions resulting in imprisonment for less than one year would increase costs for county jails and local probation supervision. Any associated increase in fine revenue would increase funding to public libraries.

House Bill 5138 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 ruled that 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: 1-17-18

Fiscal Analyst: Bruce Baker
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