



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 23 (Substitute S-1 as reported)
Senate Bill 24 (Substitute S-1 as reported)
Sponsor: Senator Jim Runestad (S.B. 23)
 Senator Peter J. Lucido (S.B. 24)
Committee: Judiciary and Public Safety

CONTENT

Senate Bill 23 (S-1) would enact the "Mail and Mail Depository Protection Act" to do the following:

- Prohibit a person from taking certain actions with respect to mail that was addressed to another person.
- Allow a person to assert one or more specified affirmative defenses to an alleged violation of the proposed Act.
- Prescribe misdemeanor and felony penalties for violations of the proposed Act.

Senate Bill 24 (S-1) would amend the sentencing guidelines in the Code of Criminal Procedure to include the felonies proposed by Senate Bill 23 (S-1), as shown in the table below.

<u>Violation</u>	<u>Category</u>	<u>Class</u>	<u>Stat Max</u>
Mail theft - second offense	Public Order	E	5
Mail theft - third or subsequent offense	Public Order	D	10
Mail theft with the intent to commit fraud	Public Order	E	5

Senate Bill 24 (S-1) is tie-barred to Senate Bill 23.

MCL 777.14h (S.B. 24)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

Senate Bill 23 (S-1) would have a negative fiscal impact on the State and local government. New felony arrests and convictions under the proposed Act could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. However, it is unknown how many people would be prosecuted under the bill's provisions. 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 \$5,315 per prisoner per year. Any additional revenue from imposed fines would go to local libraries.

Senate Bill 24 (S-1) 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: 2-14-19

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