



Senate Fiscal Agency
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Senate Bills 108 and 109 (as reported without amendment)

Sponsor: Senator Peter J. Lucido

Committee: Judiciary and Public Safety

CONTENT

Senate Bill 108 would amend the Michigan Penal Code to prohibit a person from assaulting or assaulting and battering a vulnerable adult, and prescribe misdemeanor and felony penalties for the proposed violations.

"Vulnerable adult" would mean that term as defined in Section 145m of the Code: a) an individual age 18 or over who, because of age, development ability, mental illness, or physical disability requires supervision or personal care or lack the personal and social skills required to live independently; b) an adult as defined in Section 3(1)(b) of the Adult Foster Care Facility Licensing Act (a person 18 years of age or older or a person who is placed in an adult foster care family home or an adult foster care small group home); or c) an adult as defined in Section 11(b) of the Social Welfare Act (a vulnerable person not less than 18 years of age who is suspected of being or believed to be abused, neglected, or exploited).

Senate Bill 109 would amend the sentencing guidelines within the Code of Criminal Procedure to include the felony proposed by Senate Bill 108 as a Class E felony against a person, with a statutory maximum sentence of five years' imprisonment.

Senate Bill 109 is tie-barred to Senate Bill 108.

Proposed MCL 750.81f (S.B. 108)
MCL 777.16d (S.B. 109)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

Senate Bill 108 would have a negative fiscal impact on the State and local government. New misdemeanor and felony arrests and convictions under the bill 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 (for felony convictions), 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 109 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: 9-6-19

Fiscal Analyst: Joe Carrasco