

Legislative Analysis



ASSAULT OF EMPLOYEES OF A BUS SERVICE, STREET RAILWAY SERVICE, OR RAILROAD

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 4917 and 4918 as introduced

Sponsor: Rep. Samantha Steckloff

Committee: Criminal Justice

Complete to 10-9-23

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4918 would amend the Michigan Penal Code to provide that a person who does either of the following is guilty of a felony punishable by imprisonment for up to five years or a \$1,000 to \$5,000 fine, or both:

- Assaults, batters, or assaults and batters an individual while they are performing their duties as the operator of a **bus**, **street railway vehicle**, or **train**.
- Assaults, batters, or assaults and batters an individual because of their status as an employee of a bus service, **street railway service**, or **railroad**.

The bill would not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as a violation described above.

Bus would mean a motor vehicle, except for a school bus, that is designed to carry 15 or more passengers in addition to the driver.

Street railway vehicle would mean a streetcar, trolley, or tram that is operated on a rail.

Train would mean an engine or other motor operated on *railroad tracks*, regardless of whether cars are coupled to the engine or motor. (*Railroad track* means stationary rail owned or used by a railroad, but does not include a stationary rail used by a streetcar or that is part of a street railway system.)

Street railway service would mean an organization formed under Michigan law for the purpose of operating a *street railway system* other than a railroad train for transporting persons or property. (*A street railway system* means the facilities, equipment, and personnel required to provide and maintain a public transportation service, except for a street railway system under the nonprofit street railway act. A street railway system is operated on rails principally within a municipality using streetcars, trolleys, and trams to transport persons or property. Street railway systems may accumulate, store, manufacture, conduct, use, sell, furnish, and supply electricity and electric power.)

Railroad would mean a person, partnership, association, or corporation, their respective lessees, trustees, or receivers, appointed by a court, or other legal entity operating in Michigan either as a common carrier for hire or for private use as a carrier of persons or property upon cars operated upon stationary rails and would include any person, partnership, association, corporation, trustee, or receiver appointed by a court or any other legal entity owning railroad tracks.

Proposed MCL 750.81g

House Bill 4917 would amend the Code of Criminal Procedure to add the felonies proposed by HB 4918 to the sentencing guidelines. Assault on the operator of a bus, street railway vehicle, or train, or an employee of a bus service, street railway service, or railroad, would be a Class E crime against a person with a statutory maximum term of imprisonment of five years.

The bill could not take effect unless HB 4918 were also enacted.

MCL 777.16d

Each bill would take effect 90 days after the date it is enacted.

FISCAL IMPACT:

House Bill 4918 would have an indeterminate fiscal impact on the state and on local units of government. The number of felony convictions that would result under provisions of the bill is not known. An increase in felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2022, the average cost of prison incarceration in a state facility was roughly \$47,900 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,000 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

House Bill 4917 is a companion bill to HB 4918 and would amend sentencing guidelines to include assault on an operator or employee of a bus/bus service, street railway vehicle/street railway vehicle service, or train/railroad as a Class E felony. The bill would not have a direct fiscal impact on the state or on local units of government.

Legislative Analyst: Rick Yuille
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.