



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 878 and 879 (as reported without amendment)
Sponsor: Senator Curtis Hertel, Jr. (S.B. 878)
Senator Margaret E. O'Brien (S.B. 879)
Committee: Judiciary

CONTENT

Senate Bill 878 would amend Section 145c of the Michigan Penal Code to do the following:

- Prescribe an enhanced felony penalty for a person who knowingly possessed or knowingly accessed child sexually abusive material that depicted a prepubescent child or sadomasochistic abuse or bestiality, or included more than 100 images, if the person knew or had reason to know that the depicted child was a child.
- Prescribe a mandatory minimum sentence of five years' imprisonment if a person were convicted of a second or subsequent offense under Section 145c.

Senate Bill 879 would amend the sentencing guidelines in the Code of Criminal Procedure to include the felony proposed by Senate Bill 878 as a Class D offense against a person with a statutory maximum of 10 years.

MCL 750.145c (S.B. 878)
777.16g (S.B. 879)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

Senate Bill 878 could have a negative fiscal impact on the State and local government. More felony arrests and convictions could increase demands on court systems, community supervision, jails, and correctional facilities. 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. Any associated increase in fine revenue increases funding to public libraries.

Senate Bill 879 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: 3-2-18

Fiscal Analyst: John Maxwell