



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4332 (Substitute H-3 as reported without amendment)
House Bill 4333 (Substitute H-1 as reported without amendment)
Sponsor: Representative Tommy Brann
House Committee: Law and Justice
Senate Committee: Judiciary

CONTENT

House Bill 4332 (H-3) would amend the Michigan Penal Code to do the following:

- Establish first, second, and third degrees of killing or torturing an animal, and increase the maximum prison term for a first- or second-degree offense.
- Revise and enhance the graduated penalties for animal neglect or cruelty.
- Extend current animal neglect or cruelty prohibitions to a breeder or pet shop operator.
- Establish a felony penalty for animal neglect or cruelty by a breeder or pet shop operator who had five or more prior convictions under Public Act 287 of 1969 (which regulates pet shops).
- Allow a court to include at least five years' probation as part of a sentence for an animal neglect or cruelty offense involving 25 or more animals, or three or more prior convictions.

House Bill 4333 (H-1) would amend the Code of Criminal Procedure to do the following:

- Revise the sentencing guidelines for animal neglect or cruelty and establish sentencing guidelines designations for the penalties proposed by House Bill 4332 (H-3).
- Establish sentencing guidelines designations for first-, second-, and third-degree violations involving animal torture.
- Revise sentencing guidelines scoring requirements for several offense variables.

MCL 750.50 & 750.50b (H.B. 4332)
777.16b et al. (H.B. 4333)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

House Bill 4332 (H-3) could have a negative fiscal impact on the State and local government. In 2016, there were 40 violations under this offense category with zero offenders sent to prison and five sent to jail. With the revised and proposed violations, there could be an increase in the number of offenders and number of years a given offender would serve in a correctional facility if sentenced there. 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.

House Bill 4333 (H-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 additions and revisions 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: Ryan Bergan