

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 735 (Substitute S-1 as reported)
Senate Bill 736 (Substitute S-1 as reported)
Sponsor: Senator Thaddeus G. McCotter (Senate Bill 735)
Senator Shirley Johnson (Senate Bill 736)
Committee: Judiciary

CONTENT

Senate Bill 735 (S-1) would amend the Michigan Penal Code to prohibit threatening, while on school property, to damage or destroy property in a manner likely to cause the death of another person. The offense would be a felony punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both. The bill would not prohibit a person from being convicted of or sentenced for any other violation of law arising out of the same transaction.

"School" would mean a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12, or a junior college, college, or university. "School property" would mean a building, playing field, or property used to impart instruction to students attending that school or used for functions and events sponsored by that school.

Senate Bill 736 (S-1) would amend the Code of Criminal Procedure to include the proposed offense in the Code's sentencing guidelines. The offense would be categorized as a Class F felony against the public order, with a maximum sentence of four years' imprisonment.

The bills would take effect 90 days after their enactment. Senate Bill 736 (S-1) is tie-barred to Senate Bill 735.

Proposed MCL 750.411r (S.B. 735)
MCL 777.16t (S.B. 736)

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have an indeterminate impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. The legislation would make the crime a Class F felony for which the minimum sentence range is between 0-3 months and 17-30 months. Absent a judicial departure, an offender sentenced at the lower end of the minimum sentence range would be subject to an intermediate sanction, which may include a jail term not to exceed 12 months, according to sentencing guidelines. Intermediate sanction costs and jail costs are borne by local units of government and vary among the counties.

Assuming that five offenders a year would be sentenced at the high end of the minimum sentence range, given that the average annual cost of incarceration is \$22,000, the cost of incarceration for this offense would be \$275,000.

Date Completed: 10-19-99

Fiscal Analyst: K. Firestone