

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bills 735 and 736 (as introduced 9-23-99)  
Sponsor: Senator Thaddeus G. McCotter (Senate Bill 735)  
Senator Shirley Johnson (Senate Bill 736)  
Committee: Judiciary

Date Completed: 10-11-99

## **CONTENT**

**Senate Bills 735 and 736 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to prohibit and provide criminal penalties for threatening, while on school property, to kill or injure a person or to damage or destroy property, and to include that offense in the sentencing guidelines. Senate Bill 736 is tie-barred to Senate Bill 735.**

### **Senate Bill 735**

Under the bill, threatening to kill or injure any person or to damage or destroy any real or personal property, while on school property, would be a felony punishable by up to one year and one day in prison, a maximum fine of \$500, 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**

Making a threat on school property, as proposed by Senate Bill 735, would be categorized as a Class H felony against the public order, with a maximum sentence of imprisonment for one year and one day.

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

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

Senate Bills 735 and 736 would have an indeterminate impact on State and local government.

There are no data to indicate how many offenders would be convicted of threatening to kill or injure any person or damage or destroy any real or personal property while on school property. The proposed legislation would make the crime a Class H felony for which the minimum sentence range is between 0-1 month and 5-17 months. Absent a judicial departure, the sentence must be an intermediate sanction, which may include a jail term not to exceed 12 months, according to the sentencing guidelines. Intermediate sanction costs and jail costs are borne by local units of government and vary among the counties. The State provides grants for community corrections programs and reimbursement for housing offenders in jails. However, offenders must meet the qualifications of these programs and grants and reimbursements might not meet all program costs. The cost to the State for grants and reimbursement does not increase with increased participation.

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.