

Senate Fiscal Agency  
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Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

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House Bill 4656 (Substitute S-1 as reported)  
Sponsor: Representative Larry Julian  
House Committee: Criminal Law and Corrections  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Code of Criminal Procedure to add to the sentencing guidelines the felony of performing a procedure on a live infant with intent to cause death. The offense, which was enacted by Public Act 107 of 1999 (Senate Bill 546), would be categorized as a Class A felony against a person, with a statutory maximum sentence of imprisonment for life.

(Senate Bill 546 created the Infant Protection Act within the Michigan Penal Code. It included an effective date of October 1, 1999, but did not receive immediate effect approval. The bill, then, will take effect on the 91st day after the Legislature adjourns sine die. Under the Infant Protection Act, it will be a felony, punishable by imprisonment for life or any term of years and/or a maximum fine of \$50,000, if a person intentionally performs a procedure or takes any action upon a "live infant" with the intent to cause the infant's death. "Live infant" is defined as a human fetus at any point after any part of the fetus is known to exist outside of the mother's body and has a detectable heartbeat, evidence of spontaneous movement, or evidence of breathing.)

MCL 777.16d

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

House Bill 4656 (S-1) would have an indeterminate fiscal impact on State and local government.

There are no data available to indicate how many people may be convicted of performing a procedure on a live infant with the intent to cause death. This felony would be a Class A crime, which has a minimum sentence range from 21-35 months to 270-450 months or life.

If one assumed that five people a year would be found guilty of this offense and sentenced to prison for a minimum of 450 months, given that the average cost of incarceration is \$22,000 annually, the cost of incarcerating these offenders would be \$4,125,000 per year. On the other hand, if one assumed that five people a year would be convicted of this offense and sentenced to prison for a minimum of 21 months, the cost of incarcerating these offenders would be \$192,500.

Date Completed: 10-29-99

Fiscal Analyst: K. Firestone