



**House
Legislative
Analysis
Section**

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**SENTENCING GUIDELINES: TECH
AMENDMENTS**

**House Bill 5389 (Substitute H-1)
Sponsor: Rep. William McConico**

**House Bill 5390 with committee
amendment
Sponsor: Rep. William J. O’Neil**

**House Bill 5391 (Substitute H-1)
Sponsor: Rep. Jennifer Faunce**

**House Bill 5392 (Substitute H-1)
Sponsor: Rep. Larry Julian**

**House Bill 5393 (Substitute H-3)
Sponsor: Rep. Jennifer Faunce**

Committee: Criminal Justice

First Analysis (11-27-01)

House Bills 5389-5393 (11-27-01)

THE APPARENT PROBLEM:

Chapter XVII of the Code of Criminal Procedure, entitled “Sentencing Guidelines”, contains the statutory maximum terms of imprisonment for felony violations of state and local laws. Whenever a term of imprisonment for a crime is changed, or if a provision pertaining to a crime is moved from one section of the law to another, the corresponding section or sections of the sentencing guidelines must be amended to reflect the change. This year alone, Section 12 (which contains the maximum sentences for over 80 felonies enumerated in Chapters 200 to 299 of the Michigan Compiled Laws), has been amended four times, with another three bills that would amend it further still pending in the House and Senate. This has necessitated the drafting of many substitute bills so that changes in the law were not erased by subsequently enacted bills. Some believe that breaking up these larger sections of the sentencing guidelines into smaller ones could reduce the number of “conflict” substitutes needed when multiple bills amending the same section of law are being acted on within a short time period of each other. To address this issue, it has been suggested that sections of the sentencing guidelines that

encompass many felony references be broken into several smaller sections.

THE CONTENT OF THE BILL:

The bills would amend several sections of the Code of Criminal Procedure to make technical changes relating to how the guidelines for maximum sentences are organized. The bills would take effect February 1, 2002. Specifically, the bills would do the following:

House Bill 5389 would amend the Code of Criminal Procedure to add several sections to Chapter XVII (MCL 777.17 et al.). Currently, Section 17 contains the statutory maximum sentence of imprisonment for felonies enumerated in Chapters 751 to 830 of the Michigan Compiled Laws. Instead, the bill would place them in Sections 17a to 17g. Further, the bill would amend a few compiled law citations that had been recorded incorrectly.

House Bill 5390 would amend the Code of Criminal Procedure to add new sections to Chapter XVII (MCL 777.14 et al.) to reorganize the statutory

maximum sentences for felonies enumerated in Chapters 400 to 499 of the Michigan Compiled Laws. Currently, sentencing guidelines for these felonies are contained within Section 14; the bill would instead place them in Sections 14a to 14p.

House Bill 5391 would amend the Code of Criminal Procedure to add new sections to Chapter XVII (MCL 777.13 et al.) to reorganize the statutory maximum sentences for felonies enumerated in Chapters 300 to 399 of the Michigan Compiled Laws. Currently, all of the sentencing guidelines for these felonies are contained within Section 13; the bill would instead place them in Sections 13a to 13p.

House Bill 5392 would amend the Code of Criminal Procedure to add new sections to Chapter XVII (MCL 777.11 et al.) to reorganize the statutory maximum sentences for felonies enumerated in Chapters 1 to 199 of the Michigan Compiled Laws. Currently, all of the sentencing guidelines for these felonies are contained within Section 11; the bill would instead place them in Sections 11a to 11e.

House Bill 5393 would amend the Code of Criminal Procedure to add new sections to Chapter XVII (MCL 777.12 et al.) to reorganize the statutory maximum sentences for felonies enumerated in Chapters 200 to 299 of the Michigan Compiled Laws. Currently, all of the sentencing guidelines for these felonies are contained within Section 12; the bill would instead place them in Sections 12a to 12n.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bills have no fiscal implications. (11-7-01)

ARGUMENTS:

For:

It is not unusual for multiple bills introduced in the same session to be amending the same section of law. When this happens, “conflict” substitutes must be drafted so that changes made by a recently enrolled bill are not inadvertently “wiped out” by a subsequent one. This year, several bills have amended certain sections of the Code of Criminal Procedure containing sentencing guidelines for felony offenses. Section 12 of Chapter XVII of the code has already been amended four times this year, and two other bills (in addition to one of the bills in this package) would also amend this section. With close to 100 felony offenses lumped into this section, each substitute bill has been eight pages or longer.

Some have suggested that if the sections of the code containing sentencing guidelines were broken up into smaller sections, that fewer conflict substitutes (as they are known) would be needed. In addition, the substitute bill would likely be shorter, which would save printing costs as well as time needed to read the bill in order to identify the proposed changes. The bill package would amend several sections of the chapter on sentencing guidelines to break the long MCL sections into smaller ones. For example, instead of all of the felonies enumerated in chapters 200 to 299 of the MCL being placed in a single section of the Code of Criminal Procedure, felonies enumerated in chapters 200 to 219 of the MCL would be placed in Section 12a, felonies enumerated in 220 to 256 of the MCL would be placed in Section 12b, and so forth.

POSITIONS:

There are no positions on the bills.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.