

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 151 (as introduced 2-7-01)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

Date Completed: 2-14-01

CONTENT

The bill would amend the Michigan Vehicle Code to provide that separate charges could be filed, and consecutive sentences could be ordered, for each death that resulted from certain traffic crimes. The bill would take effect 90 days after its enactment.

Specifically, a person could be charged with and convicted of any of the following offenses for each death that occurred during the commission of the offense:

- First-degree fleeing and eluding (a fleeing and eluding violation that results in death) (MCL 257.602a(5)).
- Leaving the scene of an accident when the driver knows or has reason to believe that he or she has been involved in an accident resulting in serious or aggravated injury or death (MCL 257.617).
- Causing a death by operating a vehicle while under the influence of liquor or a controlled substance or while visibly impaired due to the consumption of liquor or a controlled substance (MCL 257.625(4)).
- Causing a death by operating a vehicle without a driver's license or with a suspended or revoked license (MCL 257.904(4)).

In addition, the court could order that the terms of imprisonment imposed for each death be served consecutively to each other.

Proposed MCL 257.911

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

According to the 1998 Department of Corrections Annual Statistical Report, a total of 90 people were convicted of leaving the scene of a serious accident, or driving intoxicated causing death. Of the 90 people convicted, 43 received a prison sentence. There are no data to indicate how many of these convictions resulted in the death of one or more persons. There also are no data available on convictions under the other sections referred to in this bill.

Leaving the scene of a serious accident (MCL 257.617) was incorporated into the sentencing guidelines as a Class E felony for which the minimum sentence range is between 0-3 months and 24-38 months, and driving intoxicated causing death (MCL 257.625(4)) was incorporated into the sentencing guidelines as a Class C felony for which the minimum sentencing range is between 0-11 months and 62-114 months. Assuming that 23 offenders a year are sentenced to prison for leaving the scene of a serious accident and 23 are sentenced for driving intoxicated causing death, that they receive the longest allowable minimum sentences for these crimes and serve them consecutively, and that each offense resulted in the death of two people, given that the average annual cost of incarceration is \$22,000, the total cost of incarceration would be \$12.8 million, or double the cost of incarceration for the original charge alone.

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.