

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bill 373 (Substitute S-3 as reported)
Senate Bill 374 (Substitute S-2 as reported)
Sponsor: Senator Bill Bullard, Jr.
Committee: Transportation and Tourism

CONTENT

Senate Bill 373 (S-3) would amend the Michigan Vehicle Code to do the following:

- Prescribe felony penalties for committing a moving violation that caused an injury to or the death of a person working in a construction zone area. If the worker were injured, the penalty would be a fine of up to \$1,000 and/or imprisonment for up to two years. If the worker were killed, the penalty would be up to \$7,500 and/or up to 15 years.
- Provide for an enhanced penalty if the violator were drunk and the worker were killed.
- Include conviction of the felony among violations that are grounds for license denial, revocation, or suspension.
- Establish six driver license points for violations.

Senate Bill 374 (S-2) would amend the sentencing guidelines classifications in Code of Criminal Procedure to include the felonies proposed by Senate Bill 373 (S-3).

Senate Bill 374 (S-2) is tie-barred to Senate Bill 373. The bills would take effect September 1, 2001.

MCL 257.303 et al. (S.B. 373)
777.12 (S.B. 374)

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data available to indicate how many offenders a year would be convicted of a moving violation causing injury to a construction worker or of a moving violation causing death to a construction worker. These offenses would be incorporated into the sentencing guidelines as a Class G and a Class C felony, respectively. A Class G felony has a sentencing guideline minimum range from 0-3 months to 7-23 months and a Class C felony has a sentencing guideline minimum range from 0-11 months to 62-114 months.

In most cases, offenders convicted of the Class G felony would be subject to probation or incarceration in a local facility, because causing injury to a construction worker would have a maximum penalty of two years. The State would incur the cost of felony probation, estimated at \$4.23 per day, while local units would incur the cost of incarceration, which may vary between \$27 and \$62 per day.

Assuming that five offenders a year would be convicted of causing death to a construction worker and receive the longest minimum sentence, given that the annual average cost of incarceration is \$22,000, the cost to the State would be \$1.0 million.

Also, there would be an indeterminate fiscal impact from adding construction workers to a section that prescribes penalties for operating a vehicle under the influence or while impaired causing the death of an emergency worker. There are no data available to indicate how many offenders are convicted each year of this offense because this section came into effect in March 2001 and conviction data are available only through 1998. The sentencing guideline minimum range for this Class B offense is 0-18 months to 117-160 months.

The bill would have an indeterminate fiscal impact on the Department of State depending on the extent to which the bill would affect the number of driver license revocations. The reinstatement fee for a driver license is \$125 and benefits the Departments of State and Transportation and various drunk driving-related funds.

Date Completed: 4-23-01

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.