



Senate Bills 930, 936, 939, & 942 (as enrolled)  
Senate Bill 946 (as enrolled)  
Senate Bills 948 and 949 (as enrolled)  
Senate Bills 995 and 997 (as enrolled)  
House Bills 5495 and 5509 (as enrolled)  
House Bills 5512, 5513, and 5520 (as enrolled)

Sponsor: Senator Dan L. DeGrow (Senate Bill 930)  
Senator Bill Bullard, Jr. (Senate Bill 936)  
Senator John J. H. Schwarz, M.D. (Senate Bill 939)  
Senator Bev Hammerstrom (Senate Bill 942)  
Senator William Van Regenmorter (Senate Bill 946)  
Senator Mike Goschka (Senate Bill 948)  
Senator Loren Bennett (Senate Bill 949)  
Senator Don Koivisto (Senate Bill 995)  
Senator Burton Leland (Senate Bill 997)  
Representative Jim Howell (House Bill 5495)  
Representative Nancy Quarles (House Bill 5509)  
Representative Gilda Jacobs (House Bill 5512)  
Representative Charles LaSata (House Bill 5513)  
Representative Douglas Bovin (House Bill 5520)

Senate Committee: Judiciary

House Committee: Criminal Justice (except House Bill 5513)

House Committee: Insurance and Financial Services (House Bill 5513)

Date Completed: 1-30-03

## **CONTENT**

**Senate Bills 930, 939, and 942 added Chapter 83-A the "Michigan Anti-Terrorism Act" to the Michigan Penal Code. The bills prescribe criminal penalties for various violations involving an "act of terrorism".**

**"Act of terrorism" means a willful and deliberate act that would be a violent felony under Michigan law, whether or not committed in Michigan; that the person knows or has reason to know is dangerous to human life; and that is intended to intimidate or coerce a civilian population or influence or affect the conduct of government or a unit of government through intimidation or coercion. "Violent felony" means a felony of which an element is the use, attempted use, or threatened use of physical force against an individual, or the use, attempted use, or threatened use of a harmful biological, chemical, or radioactive substance or device, an**

## **PUBLIC ACTS 113-115 & 117 of 2002**

### **PUBLIC ACT 137 of 2002**

### **PUBLIC ACTS 119 & 120 of 2002**

### **PUBLIC ACTS 122 & 124 of 2002**

### **PUBLIC ACTS 131 & 136 of 2002**

### **PUBLIC ACTS 141-143 of 2002**

**explosive device, or an incendiary device. "Dangerous to human life" means that which causes a substantial likelihood of death or serious injury or that constitutes kidnapping or enticing away a child under 14 years of age (MCL 750.349 & 750.350).**

**Senate Bills 936, 946, 948, 949, 995, and 997 and House Bills 5509, 5513, and 5520 amended the Code of Criminal Procedure, the Michigan Penal Code, and the Revised Judicature Act to do all of the following:**

- Exclude communications between law enforcement officers in cases involving violations of Chapter 83-A from restrictions on revealing grand jury testimony or exhibits.**
- Create offense variable 20 (terrorism) and revise the application of several other offense variables.**

- **Allow a violation of Chapter 83-A to be prosecuted without a statute of limitations.**
- **Require that a sentencing court order a convicted person to reimburse a governmental entity for expenses incurred in relation to a violation of Chapter 83-A; a violation of Chapter 33 of the Penal Code (Explosives, Bombs, and Harmful Devices); various other explosives violations; or poisoning food, drink, medication, or a water supply.**
- **Include violations of Chapter 83-A in the sentencing guidelines.**
- **Add a violation of Chapter 83-A to the predicate offenses that constitute racketeering, if committed for financial gain.**
- **Include a violation of Chapter 83-A as a "specified criminal offense" under the Penal Code's money laundering provisions.**
- **Include a violation of Chapter 83-A in the crimes subject to the seizure and forfeiture of property.**

**House Bills 5495 and 5512 included in Chapter 83-A of the Penal Code provisions allowing a person to be prosecuted for a violation of that chapter and another violation arising out of the same incident; prohibiting a prosecution for conduct protection by the First Amendment; and requiring a court to order a violator of Chapter 83-A to make restitution and reimbursement.**

Senate Bill 930 was tie-barred to House Bill 5495. All of the other bills, except House Bill 5513, were tie-barred to Senate Bill 930. Senate Bill 995 also was tie-barred to Senate Bills 939 and 942. Senate Bill 936 and House Bill 5513 took effect on May 1, 2002; the rest of the bills took effect on April 22, 2002.

### **Senate Bill 930**

#### Terrorism

Under the bill, a person who knowingly and with premeditation commits an act of terrorism is guilty of the felony of terrorism. Terrorism is punishable by imprisonment for life or any term of years, a maximum fine of \$100,000, or both. If the terrorist act caused a death, however, the offender must be punished by imprisonment for life without eligibility for parole.

#### Hindering Prosecution of Terrorism

A person who knowingly "renders criminal assistance" to a person who has committed an act of terrorism is guilty of hindering prosecution of terrorism, a felony punishable by imprisonment for life or any term of years, a maximum fine of \$100,000, or both. This charge does not apply, however, to conduct for which a person may be punished as if he or she had committed the offense that another person committed, as allowed under Chapter VII of the Code of Criminal Procedure (MCL 767.39).

Under the bill, "renders criminal assistance" means that the person does any of the following, with the intent to avoid, prevent, hinder, or delay the discovery, apprehension, prosecution, trial, or sentencing of a person whom he or she knows or has reason to know has violated Chapter 83-A or is wanted as a material witness in connection with an act of terrorism:

- Harbors or conceals that other person.
- Warns the other person of impending discovery or apprehension.
- Provides the other person with money, transportation, a weapon, a disguise, or false identification, or any other means of avoiding discovery or apprehension.
- Prevents or obstructs, by means of force, intimidation, or deception, anyone from performing an act that might aid in the discovery, apprehension, or prosecution of that other person.
- Suppresses, by any act of concealment, alteration, or destruction, any physical evidence that might aid in the discovery, apprehension, or prosecution of the other person.
- Engages in conduct proscribed under sections of the Penal Code prohibiting bribery or unlawful influence of a juror or inducements or promises to a witness, or conduct prohibited under Chapter 32 ("Escapes, Rescues, Jail and Prison Breaking") of the Code.

#### Soliciting or Providing Material Support

A person is guilty of soliciting material support for terrorism if he or she knowingly raises, solicits, or collects "material support or resources", intending the support or resources to be used, in whole or in part, to plan, prepare, carry out, or avoid apprehension for committing an act of terrorism against the

United States or its citizens, the State of Michigan or its citizens, or a political subdivision or any other instrumentality of the State or of a local unit of government, if he or she knows that the material support or resources will be used by a terrorist or terrorist organization.

A person is guilty of providing material support for terrorist acts if he or she knowingly provides material support or resources to a person, knowing that the person will use the support or resources, in whole or in part, to plan, prepare, carry out, facilitate, or avoid apprehension for committing an act of terrorism against the United States or its citizens, the State of Michigan or its citizens, or a political subdivision or any other instrumentality of the State or of a local unit of government.

Soliciting material support for terrorism and providing material support for terrorist acts are felonies punishable by up to 20 years' imprisonment, a maximum fine of \$20,000, or both.

Under the bill, "material support or resources" means currency or other financial securities, financial services, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, or transportation, including any related physical assets or intangible property, or expert services or assistance.

#### Terrorist Threat/False Report of Terrorism

A person is guilty of making a terrorist threat or a false report of terrorism if he or she does either of the following:

- Threatens to commit an act of terrorism and communicates the threat to any other person.
- Knowingly makes a false report of an act of terrorism and communicates the false report to any other person, knowing that the report is false.

This offense is a felony punishable by up to 20 years' imprisonment, a maximum fine of \$20,000, or both.

It is not a defense to prosecution for making a terrorist threat or making a false report of

terrorism that the defendant did not have the intent or capability of actually committing the act of terrorism.

#### **Senate Bill 936**

The bill amended the Code of Criminal Procedure to allow communications between law enforcement officers regarding grand jury testimony and exhibits in cases involving violations of Chapter 83-A of the Michigan Penal Code.

The Code of Criminal Procedure prohibits a person from publishing or making known to any other person any testimony or exhibits obtained or used, or any proceeding conducted, in connection with any grand jury inquiry, except as otherwise provided by law. This prohibition does not apply to communications between prosecuting officers for the purposes of presenting evidence before the grand jury, for the purpose of reviewing evidence presented to the grand jury for prospective prosecution, or for any other purpose involving the execution of a public duty.

The bill also excludes from that prohibition communications between law enforcement officers in cases involving violations of Chapter 83-A.

#### **Senate Bill 939**

The bill included in Chapter 83-A a prohibition against obtaining or possessing a blueprint, an architectural or engineering diagram, security plan, or other similar information of a "vulnerable target" with the intent to commit an offense prohibited under Chapter 83-A. A violation is a felony punishable by up to 20 years' imprisonment, a maximum fine of \$20,000, or both.

"Vulnerable target" means that term as defined in Section 212a of the Penal Code. Under that section, "vulnerable target" means any of the following:

- A child care center or day care center.
- A health care facility or agency.
- A building or structure open to the general public.
- A church, synagogue, mosque, or other place of religious worship.
- A public, private, denominational, or

parochial school offering developmental kindergarten, kindergarten, or any grade 1 through 12.

- An institution of higher education.
- A stadium.
- A transportation structure or facility open to the public, including a bridge, tunnel, public highway, or railroad.
- An airport.
- Port facilities.
- A public services facility, whether publicly or privately owned, that is a natural gas refinery, natural gas storage facility, or natural gas pipeline; an electric, steam, gas, telephone, power, water, or pipeline facility; or a nuclear power plant, nuclear reactor facility, or nuclear waste storage facility.
- A petroleum refinery, petroleum storage facility, or petroleum pipeline.
- A vehicle, locomotive or railroad car, aircraft, or watercraft used to provide transportation services to the public or to provide for the movement of goods in commerce.
- A building, structure, or other facility owned or operated by the Federal government, the State, or a political subdivision or any other instrumentality of the State or of a local unit.

#### **Senate Bill 942**

The bill included in Chapter 83-A a prohibition against the use of the Internet or a telecommunications device or system or other electronic device or system so as to disrupt the functions of the public safety, educational, commercial, or governmental operations within Michigan, with the intent to commit a willful and deliberate act that is all of the following:

- An act that would be a felony under Michigan law, whether or not committed in Michigan.
- An act that the person knows or has reason to know is "dangerous to human life" (as defined in Senate Bill 930).
- An act that is intended to intimidate or coerce a civilian population or influence or affect the conduct of government or a unit of government through intimidation or coercion.

A violation is a felony punishable by up to 20 years' imprisonment, a maximum fine of \$20,000, or both.

#### **Senate Bill 946**

##### **Offense Variable 20: Terrorism**

The Code of Criminal Procedure identifies offense variables and includes instructions for a sentencing judge to score them, depending on the category of the crime for which a defendant has been convicted and certain circumstances surrounding the violation. The bill added offense variable 20 to the 19 that already were listed.

Offense variable 20 is terrorism. In determining a minimum sentence range under the guidelines for an offense for which this variable must be scored, the court must determine which of the following apply and assign the number of points attributable to the one with the highest number of points:

- The offender committed an act of terrorism (as defined in Chapter 83-A of the Penal Code) by using or threatening to use a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, incendiary device, or explosive device (100 points).
- The offender committed an act of terrorism without using or threatening to use a substance, device, or material listed above (50 points).
- The offender supported an act of terrorism, a terrorist, or a terrorist organization (25 points).
- The offender did not commit an act of terrorism or support an act of terrorism, a terrorist, or a terrorist organization (0 points).

##### **Offense Variables 1, 7, & 19**

**Offense Variable 1.** The Code requires a court to score offense variable 1 (aggravated use of a weapon) by determining which of the following apply and assigning the number of points attributable to the one that has the highest number:

- A firearm was discharged at or toward a human being or a victim was cut or stabbed with a knife or other cutting or stabbing weapon (25 points).
- A firearm was pointed at or toward a victim or the victim had a reasonable apprehension of an immediate battery when threatened with a knife or other

- cutting or stabbing weapon (15 points).
- The victim was touched by any other type of weapon (10 points).
- A weapon was displayed or implied (5 points).
- No aggravated use of a weapon occurred (0 points).

The bill added the following to that list:

- The victim was subjected or exposed to a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, incendiary device, or explosive device (20 points).

Offense Variable 7. The Code previously required the court to score offense variable 7 (aggravated physical abuse) by determining which of the following applied and assigning the number of points attributable to the one with the higher number:

- A victim was treated with terrorism, sadism, torture, or excessive brutality (50 points).
- No victim was treated with terrorism, sadism, torture, or excessive brutality (0 points).

The bill retained these scoring conditions but removed terrorism from each of them. The bill also added to the offense variable 7 scoring conditions conduct designed to increase substantially the fear and anxiety a victim suffered during the offense.

Further, the bill requires that, for the scoring of offense variable 7, each person who was placed in danger of injury or loss of life be counted as a victim.

Offense Variable 19. Offense variable 19 is a threat to the security of a penal institution or court, interference with the administration of justice, or, under the bill, interference with the rendering of emergency services. The Code requires the court to score offense variable 19 by determining which of the following apply and assigning the number of points attributable to the one with the highest number:

- The offender, by his or her conduct, threatened the security of a penal

- institution or court (25 points).
- The offender used force or the threat of force against another person or the property of another person to interfere with, attempt to interfere with, or that results in the interference with the administration of justice or the rendering of emergency services (15 points).
- The offender otherwise interfered with or attempted to interfere with the administration of justice (10 points).
- The offender did not threaten the security of a penal institution or court or interfere with or attempt to interfere with the administration of justice (0 points).

The bill added to the last scoring condition that the offender did not interfere with the rendering of emergency services by force or threat of force.

### **Senate Bill 948**

The bill amended the Code of Criminal Procedure to provide for no statute of limitations on a prosecution for a violation of Chapter 83-A of the Michigan Penal Code.

Under the Code of Criminal Procedure, an indictment for murder, first-degree criminal sexual conduct, or a violation of Chapter 33 of the Penal Code that is punishable by imprisonment for life may be found and filed at any time. (That is, there is no statute of limitations on the prosecution of those crimes.) Under the bill, a violation of Chapter 83-A is included in the crimes for which there is no statute of limitations.

### **Senate Bill 949**

As part of the sentence for certain offenses, in addition to any other penalty authorized by law, the Code of Criminal Procedure *allows* a court to order the convicted person to reimburse the State or a local unit of government for expenses incurred in relation to that incident, including expenses for an emergency response and for prosecuting the person. The bill removed from this provision a violation of Chapter 33 of the Michigan Penal Code, and a violation of Section 327, 327a, or 328 of the Penal Code (described below).

Under the bill, as part of the sentence for a conviction of any violation or attempted violation of any of the following chapters or

sections of the Penal Code, in addition to any other penalty authorized by law, the court *must* order the convicted person to reimburse any government entity for expenses incurred in relation to that incident:

- Chapter 33.
- Chapter 83-A.
- Section 327, which prescribes penalties for causing a death due to explosives.
- Section 327a, which prescribes penalties for the sale of explosives to a minor.
- Section 328, which prescribes penalties for causing a death due to explosives placed with intent to destroy a building or object.
- Section 436, which prescribes penalties for poisoning food, drink, medication, or a water supply.

For the purpose of this requirement, "government entity" means the State, a local unit of government, or the U.S. government.

In addition, the Code of Criminal Procedure lists the types of expenses for which reimbursement may be ordered. The bill added to that list the cost of extraditing a person from another state to Michigan, including transportation costs and the salaries or wages of law enforcement and prosecution personnel, including overtime pay, for processing the extradition and returning the person to Michigan.

**Senate Bill 995**

The bill amended the Code of Criminal Procedure to add violations of Chapter 83-A of the Michigan Penal Code to the sentencing guidelines, as shown in Table 1.

Table 1

Crime	Class	Category	Maximum Sentence
Terrorism without causing death	A	Person	Life
Hindering the prosecution of terrorism	A	Public Order	Life
Soliciting material support for terrorism or terrorist acts	B	Public Safety	20 years
Threat or false report of terrorism	B	Public Order	20 years
Use of the Internet or telecommunications to commit terrorism	B	Public Safety	20 years
Surveillance (obtaining a blueprint, security plan, etc.) of vulnerable target with intent to commit terrorism	B	Public Safety	20 years

**Senate Bill 997**

The bill amended the Michigan Penal Code to include a violation of Chapter 83-A as a predicate offense in the Code's definition of "racketeering".

Under the Code, "racketeering" means committing, attempting to commit, conspiring to commit, or aiding or abetting, soliciting, coercing, or intimidating a person to commit, for financial gain, an offense listed in the definition. The bill added to that list a violation of Chapter 83-A.

**House Bill 5495**

The bill added a definition of "terrorist

organization" to Chapter 83-A of the Penal Code. The term means an organization that, on the bill's effective date, is designated by the U.S. State Department as engaging in or sponsoring an act of terrorism.

The bill also specifies that Chapter 83-A does not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law arising out of the same criminal transaction as the violation of Chapter 83-A.

In addition, the bill provides that, notwithstanding any provision of Chapter 83-A, a prosecuting agency may not prosecute any person or seize any property for conduct presumptively protected by the First

Amendment to the U.S. Constitution in a manner that violates any constitutional provision.

### **House Bill 5509**

The bill amended the Michigan Penal Code to include a violation of Chapter 83-A in the definition of "specified criminal offense" under the Code's money laundering provisions.

(These provisions prohibit a person from knowingly receiving or acquiring a monetary instrument or other property that constitutes the proceeds or substituted proceeds of a "specified criminal offense" with prior actual knowledge that the monetary instrument or other property represents the proceeds or substituted proceeds of a criminal offense and their receipt or acquisition meets one or both of the following:

- It will aid that person or another in promoting or carrying on the criminal offense from which the proceeds or substituted proceeds were derived or any other criminal offense.
- It is designed, in whole or in part, to conceal or disguise the nature, location, source, ownership, or control of the proceeds or substituted proceeds of the specified criminal offense or to avoid a transaction reporting requirement under State or Federal law.

### **House Bill 5512**

The bill included in Chapter 83-A of the Michigan penal Code a requirement that a court order a person who violates this chapter to make restitution to any victim in the manner provided in the Crime Victim's Rights Act, and to reimburse any governmental entity for its expenses incurred as a result of the violation, in the manner provided in Section 1F of Chapter IX of the Code of Criminal Procedure (the section amended by Senate Bill 949).

### **House Bill 5513**

The bill amended Chapter 47 (Forfeiture or Seizure of Certain Property) of the Revised Judicature Act to include a violation of Chapter 83-A of the Michigan Penal Code in the list of crimes for which property may be seized and forfeited.

Under the Act, the following property is subject to seizure by, and forfeiture to, a local unit of government or the State:

- All personal property that is the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.
- All real property that is the proceeds of a crime or the substituted proceeds of a crime, except real property that is the primary residence of the spouse or a dependent child of the owner, unless the spouse or dependent child had prior knowledge of the crime and consented to the commission of the crime.

Under the bill, in the case of a crime that is a violation of Chapter 83-A, all property described above and all real or personal property that performed one of the following functions is subject to seizure and forfeiture:

- Contributed directly and materially to the commission of the crime.
- Was used to conceal the crime.
- Was used to escape from the scene of the crime.
- Was used to conceal the identity of one or more of the individuals who committed the crime.

### **House Bill 5520**

The bill amended the sentencing guidelines provisions of the Code of Criminal Procedure to require that offense variable 20 (terrorism) (as enacted by Senate Bill 946), be scored for all crimes against a person, property, public order, public trust, or public safety, and for all crimes involving a controlled substance.

In addition, the Code requires that offense variable 5 (psychological injury to a member of a victim's family) and offense variable 6 (the offender's intent to kill or injure another individual) be scored for homicide, attempted homicide, or assault with intent to commit murder. Under the bill, offense variables 5 and 6 also must be scored for conspiracy or solicitation to commit a homicide.

- MCL 750.543a et al. (S.B. 930)
- 767.19f (S.B. 936)
- 750.543r (S.B. 939)
- 750.543p (S.B. 942)
- 777.31 et al. (S.B. 946)
- 767.24 (S.B. 948)

769.1f (S.B. 949)  
 777.16z (S.B. 995)  
 750.159g (S.B. 997)  
 750.543c et al. (H.B. 5495)  
 750.411j (H.B. 5509)  
 750.543x (H.B. 5512)  
 600.4701 & 600.4702 (H.B. 5513)  
 777.22 (H.B. 5520)

**BACKGROUND**

The September 11, 2001, hijacking of four airliners, and the subsequent attacks on the World Trade Center and the Pentagon, resulted in a new public focus on issues surrounding terrorism. Both Federal and state governments began to review laws relating to terrorism and create new crimes and penalties for terrorist attacks and related criminal activity. Congress passed the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act, which the President signed into law on October 26, 2001. According to the Congressional Research Service (CRS) of the Library of Congress, the USA PATRIOT Act "gives federal officials greater authority to track and intercept communications...vests the Secretary of the Treasury with regulatory powers to combat corruption of U.S. financial institutions for foreign money laundering purposes...seeks to further close our borders to foreign terrorists and to detain and remove those within our borders...[and] creates new crimes, new penalties, and new procedural efficiencies for use against domestic and international terrorists".

The new Federal crimes and penalties apply to such activities as terrorist attacks on mass transportation facilities, biological weapons offenses, harboring terrorists, affording material support to terrorists, and fraudulent charitable solicitation.

A number of states also enacted legislation related to acts of terrorism. According to the National Conference of State Legislatures (NCSL), New York and at least 13 other death penalty states classified murder committed in furtherance of terrorism as a capital offense. Other states classified such a crime as first-degree murder and/or eliminated the statute of limitations.

Other state laws address chemical or biological weapons; airplane tampering; the contamination of food, air, or water to cause physical injury; damage to or destruction of critical infrastructure; terroristic threats or

hoaxes; the provision of support, resources, or assistance for terrorism; and communication and information-sharing issues.

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

**Senate Bills 930, 939, 942, & 995**

The bills will have an indeterminate impact on State and local government. According to the FBI *Terrorism in the US 1999 Report*, from 1990 to 1999 there was only one incident of either domestic or international terrorism in the State of Michigan. There are no data to indicate how many offenders may be convicted of the other new offenses. Table 2 shows the corresponding sentencing guideline minimum range for each of the offenses. Assuming that one offender is convicted of each new offense, and receives the longest minimum prison sentence, it will cost the State \$4.1 million, given that the annual average cost of incarceration is \$25,000 per person.

Table 2

<b>Sentencing Guideline Minimums (in Months)</b>		
Offense	Low Range	High Range
Threat or false report of terrorism	0-18	117-160
Using Internet or telecommunication device to commit terrorism	0-18	117-160
Soliciting or providing material support for terrorism or terrorist acts	0-18	117-160
Surveillance of public structure with intent to commit terrorism	0-18	117-160
Terrorism without causing death	21-35	270-450 or life
Hindering prosecution of terrorism without causing death	21-35	270-450 or life
Terrorism causing death		Life without parole



### **Senate Bill 936**

There are no data to indicate how many offenders are convicted of publishing or making known to others testimony or evidence in connection with a grand jury inquiry concerning terrorism, without the new exemption. An offense is a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000. To the extent that the bill exempts communications between law enforcement officers in cases involving violations of the Michigan Anti-Terrorism Act, it should have no fiscal impact on State or local government.

### **Senate Bill 946 & House Bill 5520**

The bills will have an indeterminate impact on State government. By adding possible offense variable points, which help to determine the minimum sentence range that an offender may receive, the bills may increase average sentence lengths. The State will incur the additional cost of incarceration at an average annual cost of \$25,000.

### **Senate Bill 948**

To the extent that it increases the number of offenders convicted of offenses listed in the Michigan Anti-Terrorism Act by providing for no statute of limitations on those offenses, the bill may increase costs for State and local government.

### **Senate Bill 997**

By adding violations of the Michigan Anti-Terrorism Act to the offenses that may be involved in racketeering, the bill may increase costs to State and local government. Offenders convicted of racketeering receive a sentence with a minimum range of 0-18 to 117-160 months and are subject to probation or incarceration in a local or State facility. Local units incur the cost of incarceration in a local facility, while the State incurs the cost of felony probation estimated at \$4.38 per day and the cost of incarceration in a State facility at an annual average cost of \$25,000. If one additional offender is convicted and receives the longest minimum prison sentence, the cost to the State will be \$333,000.

### **House Bill 5495**

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

allowing a person to be charged with multiple offenses for the same activity, the bill may increase the sentences of those convicted, thereby increasing State and local criminal justice costs.

### **House Bill 5509**

The bill will have an indeterminate fiscal impact on State and local government. By adding terrorism offenses to the list of specified crimes applicable to money laundering offenses, the bill may increase State criminal justice costs.

### **House Bill 5512**

The bill will have an indeterminate impact on State and local government. The bill will increase revenue by the amount of costs ordered by a court, to the extent that the costs are collectible.

### **House Bill 5513**

The bill will have an indeterminate fiscal impact on State and local government. The addition of acts of terrorism to those crimes for which property may be forfeited may increase forfeiture-gained revenues to a governmental entity within the State, but to an extent that cannot be determined at this time.

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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.