

Legislative Analysis



SENTENCING GUIDELINES: REVISE OFFENSE VARIABLE 9

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House Bill 6553
Sponsor: Rep. John Stakoe
Committee: Judiciary

Complete to 11-28-06

A SUMMARY OF HOUSE BILL 6553 AS INTRODUCED 9-20-06

Current law provides instructions for judges to use in scoring sentencing guidelines for the purpose of imposing criminal sentences. Using a grid system, the recommended minimum sentence range is found by finding the offense category for the offense, determining the offense variables to be scored for that offense category, scoring and totaling only those offense variables, and scoring and totaling all prior record variables for the offense. Then, using the offense class, the judge finds the intersection of the offender's offense variable level and prior record variable level on the sentencing grid to determine the recommended minimum sentence (the sentencing grid shows the recommended sentence within a sentencing grid as a range of months or life imprisonment).

House Bill 6553 would amend the Code of Criminal Procedure to revise Offense Variable 9 (Number of Victims). When scoring Offense Variable 9, a judge counts each person who was placed in danger of injury or loss of life as a victim. For example, if there are two to nine victims, the judge would score 10 points; 25 points would be scored if there were ten or more victims. The bill would clarify that this would apply to each person placed in danger of physical injury. In addition, a victim who had suffered loss of property would also have to be counted.

MCL 777.39

FISCAL IMPACT:

There are no data to indicate how many offenders and their sentences might be affected by the proposed change in guidelines scoring. Depending on circumstances, a higher offense variable score could make an offender more likely to receive a prison sentence rather than a jail sentence, thereby increasing costs to the state and reducing costs to the affected county.

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