



**Senate Fiscal Agency**  
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Senate Bills 1070 and 1071 (as introduced 9-16-14)  
Sponsor: Senator Tonya Schuitmaker  
Committee: Judiciary

Date Completed: 11-6-14

### **CONTENT**

**Senate Bill 1070 would amend the Michigan Penal Code to prescribe a felony penalty for a detainee's or prisoner's throwing or attempting to throw bodily material on an officer.**

**Senate Bill 1071 would amend the Code of Criminal Procedure to include the proposed felony in the sentencing guidelines.**

Senate Bill 1071 is tie-barred to Senate Bill 1070 and would take effect 90 days after its enactment.

#### **Senate Bill 1070**

Under the bill, a detainee or prisoner in a holding cell, holding center, lockup, jail, or State correctional facility who threw or attempted to throw any bodily material on any individual performing his or her duties as a peace officer, corrections officer, parole officer, or probation officer in that facility, or who otherwise caused or attempted to cause one of those individuals to come into contact with any bodily material, would be guilty of a felony punishable by up to four years' imprisonment and/or a maximum fine of \$2,000.

The bill would not prohibit a person from being charged with, convicted of, and sentenced for any other violation of law in lieu of a violation of the bill.

The bill would define "bodily material" as blood, urine, saliva, or feces.

"Holding cell", "lockup", "jail", and "state correctional facility" would mean those terms as defined in the Corrections Code (MCL 791.262).

#### **Senate Bill 1071**

Under the bill, a detainee's or prisoner's exposing a peace officer, corrections officer, parole officer, or probation officer to bodily fluid would be a Class E felony against a person with a statutory maximum sentence of five years' imprisonment.

Proposed MCL 750.411x (S.B. 1070)  
MCL 777.16t (S.B. 1071)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bills would create a felony violation and make a change in the sentencing guidelines associated with throwing or an attempt to throw bodily material on an individual performing his or her duties as an officer at a jail or prison. For any additional felony sentences for convictions under the bills, in the short term, the marginal cost to State government would be approximately \$4,100 per additional prisoner per year. Over the long term, the marginal cost to State government would be approximately \$31,100 per additional prisoner per year. The new felony offense would increase costs to local courts and law enforcement to the extent that the bills resulted in a greater number of violations and increased caseload.

Fiscal Analyst: John Maxwell

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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.