

Legislative Analysis



SEPARATE CRIME FOR TARGETING VICTIM BASED ON EMPLOYMENT

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House Bill 4585 (proposed H-1 Substitute)
Sponsor: Rep. Jeff Yaroch
Committee: Law and Justice

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4590 (proposed H-1 Substitute)
Sponsor: Rep. Clint Kesto
Committee: Law and Justice

House Bill 4591 (proposed H-1 Substitute)
Sponsor: Rep. Brandt Iden
Committee: Law and Justice

Complete to 9-25-17

SUMMARY:

House Bills 4585 and 4590 would amend the Michigan Penal Code (MPC) by adding new sections that would create additional felonies for targeting a victim based on his or her actual or perceived employment. House Bill 4591 would amend the Code of Criminal Procedure by creating sentencing guidelines to accompany the newly proposed felony offenses.

House Bills 4585 and 4590

HBs 4585 and 4590 would add Sections 479e and 479d, respectively, within the MPC to create two new felonies for a person who targets a victim based on the victim's actual or perceived employment. The felony would be applicable if both of the following occurred:

- The person committed or attempted to commit a *violent* felony, and
- The victim was targeted because he or she was or was perceived to be any of the following:
 - Either a firefighter or emergency medical services personnel (HB 4585),
or
 - Either a law enforcement officer or corrections officer (HB 4590).

The proposed felonies would be punishable by imprisonment for not more than two years and would have to be served consecutively with (either before or after, rather than concurrently) any other term of imprisonment imposed for the underlying felony or attempted felony.

Under the bills, the terms below would refer to existing statutory definitions to mean the following:

- Emergency medical services personnel would refer to a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, or emergency medical services instructor-coordinator. (MCL 333.20904)

- Firefighter would mean a member, including volunteer members and members paid on call, of an organized fire department who is responsible for, or is in a capacity that includes responsibility for, the extinguishment of fires, the directing of the extinguishment of fires, the prevention and detection of fires, and the enforcement of the general fire laws of this state. Firefighter does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression. (MCL29.362)
- Corrections officer would mean "a prison or jail guard or other prison or jail personnel; any of the personnel of a boot camp, special alternative incarceration unit, or other minimum security correctional facility; or a parole or probation officer. (MCL 750.316)
- Law enforcement officer would refer to that term as defined in Section 2 of the Michigan Commission on Law Enforcement Standards Act" (MCOLES). (MCL 28.602)
- Violent felony would mean any of the following offenses against a person, as defined in the MPC (750.82, et al.):
 - Felonious assault
 - Assault with intent to commit murder
 - Assault with intent to do great bodily harm less than murder
 - Assault by strangulation or suffocation
 - Torture
 - Assault with intent to maim
 - Assault with intent to commit felony not otherwise punished
 - Assault with intent to rob and steal unarmed or armed
 - First and second degree murder
 - Manslaughter
 - Kidnapping or leading away child
 - Prisoner taking person as hostage
 - Mayhem
 - Criminal Sexual Conduct in the first, second, third, or fourth degree
 - Assault with intent to commit criminal sexual conduct
 - Larceny and aggravated assault using or possessing a dangerous weapon while engaging in larceny
 - Carjacking

The bills are tie-barred to one another, which means neither is enacted unless both are enacted.

House Bill 4591

HB 4591 would amend the Code of Criminal Procedure by creating sentencing guidelines to accompany the proposed felony offenses described above. The proposed felonies would be Class G offenses against a person with a two-year maximum imprisonment sentence.

HB 4591 is tie-barred to both HBs 4585 and 4590, which means it would not be enacted unless both other bills are enacted.

Proposed MCL 750.479e, MCL 750d; MCL 777.16x

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state's correctional system and on local court systems. Information is not available on the number of persons that might be convicted under provisions of the bill, but new felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2016, the average cost of prison incarceration in a state facility was roughly \$36,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,500 per supervised offender in the same year. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.