

Legislative Analysis



INCREASE PENALTIES FOR EMBEZZLEMENT FROM A VULNERABLE ADULT

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<http://www.house.mi.gov/hfa>

House Bills 4885 and 4886 as introduced

Sponsor: Rep. Peter Lucido

Committee: Families, Children, and Seniors

Complete to 10-11-17

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

SUMMARY:

The bills would increase the penalties for attempting to obtain or use a vulnerable adults' money or property to his or her benefit knowing the vulnerable adult is a vulnerable adult.

House Bill 4885 would amend the Michigan Penal Code to increase both maximum lengths of imprisonment and fines for the various offenses related to attempting to obtain or use a vulnerable adults' money or property to his or her benefit knowing the vulnerable adult is a vulnerable adult. The various offenses are based on the dollar value of the money or property obtained or used as displayed in the table below, however having prior convictions increases the level of offense.

Sec. 174a Offense Type	Value of Property Obtained	Maximum Imprisonment 1 st Offense		Maximum Fine 1 st Offense (Greater of amount below or 3 times the property value)	
		Current	HB 4885	Current	HB 4885
(2) Misdemeanor	Less than \$200	93 days	1 year	\$500	\$1,000
(3) Misdemeanor	\$200 - \$1,000	1 year	1 year	\$2,000	\$4,000
(4) Felony	\$1,000 - \$20,000	5 years	10 years	\$10,000	\$20,000
(5) Felony	\$20,000 - \$50,000	10 years	15 years	\$15,000	\$30,000
(6) Felony	\$50,000 - \$100,000	15 years	20 years	\$15,000	\$30,000
(7) Felony	More than \$100,000	20 years	25 years	\$50,000	\$100,000

House Bill 4886 would amend the sentencing guidelines in the Code of Criminal Procedure to reclassify the felony offenses and reflect proposed changes in their statutory maximums. The bill is tie-barred to House Bill 4885 meaning it could not take effect unless House Bill 4885 is enacted.

MCL 750.174a, 777.16i

FISCAL IMPACT:

HB 4885 would have an indeterminate fiscal impact on the state's correctional system and on local court systems. An increase in felony conviction penalties 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. An increase in misdemeanor conviction penalties would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues. The fiscal impact on the judiciary and local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs.

HB 4886 amends sentencing guidelines and does not have a direct fiscal impact on the state or on local units of government.

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