



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 127 (Substitute S-1 as reported)
Senate Bill 128 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 9-14-17

RATIONALE

According to the National Law Enforcement Officers Memorial Fund, in 2016, 65 law enforcement officers were killed in firearm-related incidents, an increase of 56% from 2015. Apparently, ambush-style attacks accounted for 21 of those deaths, the highest recorded number in over two decades. In response to the increase in violence directed toward law enforcement personnel, many states have enacted legislation to impose increased or additional penalties on those who deliberately target law enforcement. Since May 2016, four states have passed laws that make it a hate crime to attack police officers because of their occupation, Arizona and Kansas recently passed laws that increase the penalties for attacking law enforcement personnel, although such offenses are not considered hate crimes, and at least 15 other states have considered similar legislation, according to a recent article in *Newsweek* ("Police Killed on the Job: Number Spikes in 2017, as New York Mourns Murdered Officer", 7-13-2017). Many believe that Michigan also should enact laws that would impose an additional penalty on those convicted of deliberately targeting law enforcement officers and emergency services personnel.

CONTENT

Senate Bill 127 (S-1) would amend the Michigan Penal Code to prescribe a penalty of up to two years' imprisonment for targeting a police officer, a corrections officer, a firefighter, or emergency medical services personnel in committing or attempting to commit a felony.

Senate Bill 128 (S-1) would amend the Code of Criminal Procedure to include the felony proposed by Senate Bill 127 (S-1) in the sentencing guidelines.

Senate Bill 128 (S-1) is tie-barred to Senate Bill 127 (S-1). Each bill would take effect 90 days after its enactment.

Senate Bill 127 (S-1)

Under the bill, a person who committed or attempted to commit a felony in which the victim was targeted because he or she was, or was perceived to be, a police officer, a corrections officer, a firefighter, or emergency medical services (EMS) personnel would be guilty of a felony punishable by up to two years' imprisonment. The term would have to be served consecutively to any term of imprisonment imposed for the underlying felony or attempted felony.

"Police officer" would mean that term as defined in the Michigan Commission on Law Enforcement Standards Act. "Firefighter" would mean that term as defined in the Firefighters Training Council Act. "Emergency medical services personnel" would mean that term as defined in the Public Health Code.

Senate Bill 128 (S-1)

Under the bill, targeting a law enforcement officer, corrections officer, firefighter, or EMS personnel in committing a felony would be a Class G felony against a person, with a statutory maximum sentence of two years' imprisonment.

Proposed MCL 750.479d (S.B. 127)
MCL 777.16x (S.B. 128)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bills would bring attention to the importance of public safety in the State. In addition to endangering the targeted individuals, violence directed toward law enforcement officers and first responders jeopardizes the safety of Michigan communities. Imposing an additional penalty on those who deliberately target law enforcement officers and first responders would show that the State supports these individuals, who put their lives on the line every day to protect Michigan's citizens, and using these types of attacks against law enforcement officers to make political statements is unacceptable.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

Senate Bill 127 (S-1)

The bill could have a negative fiscal impact on State and local government. The provisions of the bill would effectively extend the prison sentences of individuals convicted of a felony targeting a police officer, firefighter, or EMS personnel. For any increase in prison sentences, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year.

Senate Bill 128 (S-1)

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State. According to the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Fiscal Analyst: Ryan Bergan

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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.