



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 127 and 128 (as introduced 2-9-17)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 2-21-17

CONTENT

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

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

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

Senate Bill 127

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 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

Under the bill, targeting a law enforcement 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)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT**Senate Bill 127**

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

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law). According to one interpretation of that decision, 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