



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4585 (Substitute H-1 as passed by the House)
House Bill 4590 (Substitute H-1 as passed by the House)
House Bill 4591 (Substitute H-2 as passed by the House)
Sponsor: Representative Jeff Yaroch (H.B. 4585)
Representative Klint Kesto (H.B. 4590)
Representative Brandt Iden (H.B. 4591)
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 3-8-18

CONTENT

House Bills 4585 (H-1) and 4590 (H-1) would amend the Michigan Penal Code to prescribe felony penalties for a person who committed a violent felony in which the victim was targeted because he or she was, or was perceived to be, a firefighter or emergency medical service (EMS) personnel, or a law enforcement or corrections officer, respectively.

House Bill 4591 (H-2) would amend the sentencing guidelines in the Code of Criminal Procedure to include the felonies proposed by House Bills 4585 (H-1) and 4590 (H-1) as Class G offenses against a person, with statutory maximums of two years.

House Bills 4585 (H-1) and 4590 (H-1) are tie-barred to each other. House Bill 4591 (H-1) is tie-barred to House Bills 4585 and 4590. Each bill would take effect 90 days after its enactment.

House Bills 4585 (H-1) and 4590 (H-1) are discussed in greater detail below.

Under the bills, a person who committed a violent felony in which the victim was targeted because he or she was, or was perceived to be, a firefighter or EMS personnel, or a law enforcement or corrections officer would be guilty of a felony punishable by up to two years' imprisonment. The sentence would have to be served consecutively to any term of imprisonment imposed for the underlying felony or attempted felony.

The bills would define "violent felony" as an offense against a person in violation of Section 82, 83, 84, 85, 86, 87, 88, 89, 316, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d, 520e, 520g, 529, 529a, or 530 of the Penal Code. (Those sections prohibit the following conduct, respectively: felonious assault, assault with intent to commit murder, assault with intent to do great bodily harm less than murder, torture, assault with intent to maim, assault with intent to commit burglary or any other felony, assault with intent to rob and steal (unarmed or armed), first- and second-degree murder, manslaughter, kidnapping, prisoner taking person as hostage, leading or carrying away a child under 14, mayhem (intentional disfigurement), first-, second-, third-, and fourth-degree criminal sexual conduct (CSC), assault with intent to commit CSC, larceny and aggravated assault with a dangerous weapon, carjacking, and larceny by violence or assault.)

House Bill 4585 (H-1) would define "emergency medical services personnel" as that term is defined in Section 20904 the Public Health Code: a medical first responder, emergency medical technician, emergency medical technician specialist, paramedic, or emergency medical services instructor-coordinator.

"Firefighter" would mean that term as defined in Section 2 of the Firefighters Training Council Act: a member of an organized fire department or public safety 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 directing or management of emergency response activities, fire safety prevention inspection, plans examination, fire investigation, hazardous materials response, technical rescue response, airport rescue response, airport rescue firefighting, fire service instruction, and the enforcement of the general fire laws of the State and the community where he or she serves.

House Bill 4590 (H-1) would define "corrections officer" as that term is defined in Section 316 of the Penal Code: a prison or jail guard or other prison or jail personnel; any personnel of a boot camp, special alternative incarceration unit, or other minimum security correctional facility; or a parole or probation officer.

"Law enforcement officer" would mean that term as defined in the Michigan Commission on Law Enforcement Standards.

Proposed MCL 750.479e (H.B. 4585)
Proposed MCL 750.479d (H.B. 4590)
MCL 777.16x (H.B. 4591)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

House Bills 4585 (H-1) & 4590 (H-1)

The bills could have a negative fiscal impact on the State and local government. More felony arrests and convictions could increase demands on court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

House Bill 4591 (H-2)

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 ruled that 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: 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.