



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 4917 (Substitute H-2 as passed by the House)  
House Bill 4918 (Substitute H-1 as passed by the House)  
Sponsor: Representative Samantha Steckloff  
House Committee: Criminal Justice  
Senate Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 6-21-24

## **CONTENT**

**House Bill 4918 (H-1) would amend Chapter 14 (Assaults) of the Michigan Penal Code to do the following:**

- **Prescribe a misdemeanor punishable by a maximum of 93 days' imprisonment or a maximum fine of \$1,000, or both, for assaulting or assaulting and battering a public transit operator.**
- **Prescribe a misdemeanor punishable by a maximum of one years' imprisonment or a maximum fine of \$2,000, or both, for assaulting a public transit operator with a weapon inflicting serious or aggravated injury without intending to commit murder or to inflict great bodily harm.**
- **Prescribe a felony punishable by a maximum of four years' imprisonment or a maximum fine of \$4,000, or both, for assaulting a public transit operator with a weapon without intending to commit murder or to inflict great bodily harm.**
- **Prescribe more significant penalties for subsequent violations of the bill.**

**House Bill 4917 (H-2) would amend the sentencing guidelines of the Code of Criminal Procedure to include felonies proposed by House Bill 4918 (H-1).**

House Bill 4917 is tie-barred to House Bill 4918. Each bill would take effect 90 days after its enactment. House Bill 4918 is described in greater detail below.

### **House Bill 4918 (H-1)**

The bill would prescribe a misdemeanor punishable by a maximum of 93 days' imprisonment or a maximum of \$1,000, or both, for assault, or assault and battery, of an individual while that individual was performing duties as the operator of a bus, street railway vehicle, or train, or because of the individual's status as an employee or contractor of a bus service, street railway service, or railroad. A person who violated this provision and had a prior conviction under the bill would be guilty of a misdemeanor punishable by a maximum of 180 days' imprisonment or a maximum fine of \$2,000, or both.

Additionally, a person who assaulted an individual without a weapon and inflicted serious or aggravated injury on that individual without intending to commit murder or to inflict great bodily harm less than murder while the individual was performing the individual's duties as the operator of a bus, street railway vehicle, or train, or because of the individual's status as an employee or contractor of a bus service, street railway service, or railroad, would be guilty of a misdemeanor punishable by a maximum of one years' imprisonment or a maximum fine of \$2,000, or both. A person who violated this provision and had a prior conviction under the

bill would be guilty of a felony punishable by a maximum of two years' imprisonment or a maximum fine of \$4,000, or both.

Finally, a person who assaulted an individual with a gun, revolver, pistol, knife, iron bar, club, brass knuckles, or other dangerous weapon without intending to commit murder or to inflict great bodily harm less than murder while the individual was performing the individual's duties as the operator of a bus, street railway vehicle, or train, or because of the individual's status as an employee or contractor of a bus service, street railway service, or railroad, would be guilty of a felony punishable by a maximum of four years' imprisonment or a maximum fine of \$4,000, or both. A person who violated this provision and had a prior conviction under the bill would be guilty of a felony punishable by a maximum of eight years' imprisonment, a maximum fine of \$8,000, or both.

The bill would specify that the provisions described above would not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation described above.

"Bus" would mean a motor vehicle designated for carrying at least 16 passengers including the driver. The term would not include a school bus. "Street railway vehicle" would mean a streetcar, trolley, or tram that is operated on a rail. "Train" would mean an engine or other motor, with or without cars coupled to the engine or motor, operated on railroad tracks.

"Railroad" would mean a person, partnership, association, or corporation, their respective lessees, trustees, or receivers appointed by a court, or other legal entity operating in the State either as a common carrier for hire or for private use as a carrier of persons or property upon cars operated upon stationary rails and includes any person, partnership, association, corporation, trustee, or receiver appointed by a court or any other legal entity owning tracks.

"Street railway car service" would mean an organization formed under the laws of the State for the purpose of operating a street railway system other than a railroad train for transporting persons or property, including being operated upon rails principally within a municipality utilizing streetcars, trolleys, and trams for the transportation of persons or property. The term would not include a street railway organized under the Nonprofit Street Railway Act. The term also would mean a nonprofit corporation organized under Part 5 (Nonprofit Street Railways) of the Recodified Tax Increment Financing Act for the purpose of operating a street railway system other than a railroad train for transporting individuals or property. The term would include a nonprofit corporation incorporated under the Nonprofit Corporation Act, a street railway organized under the Recodified Tax Increment Financing Act, or at least one member of the board of directors of a street railway for the purpose of assisting the street railway in financing any part of a street railway system.

MCL 777.16d (H.B. 4917)  
Proposed MCL 750.81g (H.B. 4918)

Legislative Analyst: Eleni Lionas

## **FISCAL IMPACT**

The bills 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 [House Bill 4917 \(H-2\)](#) 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.

The bills' criminal penalties could have a negative fiscal impact on the State and local government. Violations of the bills would be punishable as misdemeanors and felonies of

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different severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Misdemeanor convictions could increase county jail and local probation supervision costs, which vary by jurisdiction and are thus indeterminate. Based on 2023 data, the average cost to State government for felony probation supervision is approximately \$4,600 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$48,700. Per diem rates range from \$100 to \$431 per day (average per diem is \$135), depending on the security level of the facility. Additionally, any associated fine revenue would increase funding to public libraries.

Fiscal Analyst: Joe Carrasco, Jr.  
Bobby Canell