



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5182 (Substitute H-2 as reported without amendment)
House Bill 5183 (Substitute H-1 as reported without amendment)
Sponsor: Representative Denise Mentzer (H.B. 5182)
Representative Alabas Farhat (H.B. 5183)
House Committee: Criminal Justice
Senate Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

House Bill 5182 (H-2) would amend the Michigan Penal Code to do the following:

- Specify that an individual who possessed an item, such as an electronic tool designed or adapted to unlock or start a motor vehicle, with the intent to steal a motor vehicle would be guilty of a felony punishable by up to five years' imprisonment.
- Specify that an individual who, as part of a group or criminal organization, possessed an item, such as an electronic tool described above, with the intent to steal more than one motor vehicle would be guilty of a felony punishable by up to 10 years' imprisonment.

House Bill 5183 (H-1) would amend the sentencing guidelines in the Code of Criminal Procedure to include felony penalties proposed by House Bill 5182 (H-2).

House Bill 5183 is tie-barred to House Bill 5182. Each bill would take effect 90 days after its enactment.

MCL 750.116 (H.B. 5182)
777.16f (H.B. 5183)

BRIEF RATIONALE

Currently, using or intending to use certain burglary tools to steal property is a felony punishable by up to 10 years' imprisonment. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, car thefts affect many Michigan residents, with 25,735 vehicles stolen in the State in 2022. Apparently, criminals and criminal organizations can break into and steal vehicles in under a minute using devices such as "AutoProPADs", which are devices normally used by mechanics to reprogram vehicles' remote key fobs but are also used by burglars to conduct theft. It has been suggested that the Code be modified to address changing technology in vehicle theft.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

House Bill 5183 is a similar reintroduction to Senate Bill 870 of the 2021-2022 Legislative Session. Senate Bill 870 passed the Senate and was reported from the House Committee on Judiciary but received no further action.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

House Bill 5182 (H-2)

The bill would have an indeterminate but likely negative fiscal impact on the State and local governments. New felony arrests and convictions under the proposed bill could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities; however, it is unknown how many people would be prosecuted under provisions of the bill. The average cost to State government for felony probation supervision is approximately \$5,600 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. Any associated increase in fine revenue would increase funding to public libraries.

House Bill 5183 (H-1)

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.

Date Completed: 6-24-24

Fiscal Analyst: Joe Carrasco, Jr

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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.