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House Bill 4867 (as passed by the House)  
Sponsor: Representative Tom Leonard  
House Committee: Criminal Justice  
Senate Committee: Families, Seniors and Human Services

Date Completed: 5-6-14

## **CONTENT**

**The bill would amend the Code of Criminal Procedure to include preoffense conduct directed toward a law enforcement officer posing as a potential victim as predatory conduct for determining an offense variable score.**

The Code provides the mechanism through which a sentence is determined for an offender's criminal conviction. The process involves selecting the appropriate offense category and analyzing the applicable offense variables for the offense category. Points are added to the offender's score based on the presence of certain offense variables. An appropriate sentence is determined by using the points on a grid selected by offense class. This process also takes into account multiple felonies and previous offenses.

Offense variable 10 pertains to the exploitation of a vulnerable victim. A score is reached for this variable by determining if any of the following apply, and assigning the number of points attributable to the one that has the highest number of points:

- If predatory conduct was involved: 15 points.
- If the offender exploited a victim's physical disability, mental disability, age, domestic relationship, or authority status: 10 points.
- If the offender exploited a victim by his or her difference in size and/or strength, or exploited a victim who was under the influence of drugs or alcohol, was asleep, or unconscious: 5 points.
- If the offender did not exploit a victim's vulnerability: no points.

Currently, "predatory conduct" means "preoffense conduct directed at a victim for the primary purpose of victimization". The bill would include preoffense conduct directed at a law enforcement officer posing as a potential victim.

MCL 777.40

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

By expanding the definition of "predatory conduct" the bill could raise an offender's sentencing guideline score, creating a longer minimum sentence. The cost to State government is approximately \$35,000 per prisoner per year. The cost to local government, if any, would be additional resources required by the court and jail systems.

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.