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SFA



BILL ANALYSIS

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Senate Bill 275 (Substitute S-1 as reported)
Senate Bill 774 (Substitute S-1 as reported)
Sponsor: Senator Joe Young, Jr.
Committee: Judiciary

Date Completed: 1-14-00

RATIONALE

Maintaining a safe traveling environment is a major concern for public transit operators. During 1998, a group known as the Violent Crime Oversight Team met, apparently at the request of the Legislature, to study and make recommendations regarding violent crimes committed against bus operators and passengers on Michigan public transit systems. The oversight team conducted surveys of transit systems across Michigan and reviewed relevant literature on the subject of public transportation safety. The review revealed that the consequences of attacks on bus operators can be seen in diminished physical and emotional condition of drivers, absenteeism, high job dissatisfaction and turnover, and disruption of services. In order to deter assaults on bus drivers and make public transit vehicles a safer environment for all, members of the oversight team and other transit officials and employees have advocated increased penalties for someone who assaults a bus driver engaged in his or her official duties as a driver.

CONTENT

Senate Bills 275 (S-1) and 774 (S-1) would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to add penalties to the Penal Code for assault or battery causing physical injury to a driver of a "public transit vehicle" and to include the proposed offense in the Code of Criminal Procedure's sentencing guidelines provisions.

Senate Bill 275 (S-1) would define "public transit vehicle" as a publicly or privately owned vehicle used to provide transportation services to the general public without charge or for a fee.

The bills would take effect 90 days after their enactment. Senate Bill 774 (S-1) is tie-barred to Senate Bill 275.

Senate Bill 275 (S-1)

Under the bill, it would be a felony punishable by up to four years' imprisonment, a maximum fine of \$2,500, or both, for a person to assault or batter another person and cause physical injury to that person, if the victim were assaulted or battered while he or she operated a public transit vehicle or was otherwise engaged in his or her duties as the operator of a public transit vehicle.

(Under the Penal Code, aggravated assault (i.e., unarmed assault inflicting serious or aggravated injury) is a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000. Enhanced penalties of up to two years' imprisonment and/or a maximum fine of \$2,500 apply if the violation is domestic assault and the offender has one or more previous convictions for domestic assault (MCL 750.81a).)

Senate Bill 774 (S-1)

The bill would include the offense proposed by Senate Bill 275 (S-1) in the sentencing guidelines. Under Senate Bill 774 (S-1), assaulting or battering an operator of a public transit vehicle would be categorized as a Class F felony against a person, with a statutory maximum sentence of four years' imprisonment, as proposed by Senate Bill 275 (S-1). Proposed MCL 750.81c (S.B. 275)
MCL 777.16d (S.B. 774)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Drivers of public transit vehicles provide a valuable service, particularly to those who either do not have access to a private vehicle or are unable to drive. Safety and security are important attributes of the overall level of that service. The nature of their

occupation, though, may make public transit operators more vulnerable to physical attack than many other workers. According to testimony before the Senate Judiciary Committee, bus drivers, particularly those in the Detroit area, have been victimized in a number of violent incidents. These attacks typically are not for the purpose of robbery, but, according to the report of the Violent Crime Oversight Team, usually involve fare disputes, traffic incidents, and general rowdy behavior by passengers. By providing a deterrent to those incidents, enhanced penalties for assault of a public transit vehicle driver would make those vehicles a safer environment for drivers and passengers.

Response: As introduced, Senate Bill 275 would have extended the enhanced penalties to an assault committed against a public transit vehicle passenger, as well as a driver. The findings of the oversight team suggest that the bill should include crimes against passengers. Although the data from surveys conducted for the study suggest that public transit employees are more likely to be victims of violent crime than are passengers, most of the employee-victims worked for one particular metropolitan Detroit transit agency. Excluding that agency, passengers made up 94% of the victims of violent crimes. Indeed, for large and medium-sized urban transit agencies in other parts of Michigan that reported crime data, passengers constituted 100% of the victims of violent crime.

Opposing Argument

The bills may not be necessary or even effective in addressing the problem of crime on public transit vehicles. The recommendations of the oversight team's report focused more on such issues as improved training for drivers to prepare them to respond to emergency and crime situations; increasing police and security personnel; providing a quick, reliable means for transit drivers and passengers to contact police; improving the quality of lighting and signs at bus stops; and improving adherence to transit schedules. Those measures, which could be accomplished without legislation, could be more effective in addressing public transit crime.

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 275 (S-1) and 774 (S-1) would have an indeterminate fiscal impact on State and local government.

There are no data to indicate how many people could be convicted of assaulting a public transit worker. The offense would be a Class F felony for which the range of minimum sentences is 0-3 months to 17-30

months, so an offender could receive an intermediate sanction or a prison term.

Assuming that five offenders a year were convicted of this new offense, and that they were given the highest minimum sentence, annual costs for incarceration for this crime, based on the average yearly cost of \$22,000 to incarcerate, would be \$275,000.

Fiscal Analyst: K. Firestone

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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.