

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

SFA



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 275 (as introduced 2-9-99)
Senate Bill 774 (as introduced 9-29-99)
Sponsor: Senator Joe Young, Jr.
Committee: Judiciary

Date Completed: 9-29-99

CONTENT

Senate Bills 275 and 774 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 or passenger of a “public transit vehicle” and to include the proposed offense in the Code of Criminal Procedure’s sentencing guidelines provisions. Senate Bill 774 is tie-barred to Senate Bill 275.

Senate Bill 275 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.

Senate Bill 275

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 any of the following:

- 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.
- A passenger in or on a public transit vehicle.
- Lured or removed from a public transit vehicle by the offender or another person, at the direction of the offender, for purposes of a confrontation or an assault or battery.
- Lawfully attempting to enter or exit 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, and 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

The bill would include the offense proposed by Senate Bill 275 in the sentencing guidelines. Under Senate Bill 774, assaulting or battering an operator or passenger 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.

Proposed MCL 750.81c (S.B. 275)
MCL 777.16d (S.B. 774)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 275 and 774 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.