

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5311 (Substitute H-1 as passed by the House)
Sponsor: Representative Larry Julian
House Committee: Criminal Law and Corrections
Senate Committee: Judiciary

Date Completed: 5-23-00

CONTENT

The bill would amend the Michigan Penal Code to provide that a term of imprisonment imposed for committing or attempting a crime that involved a violent act or a threat of violence while wearing body armor, could be served consecutively to any term of imprisonment imposed for the crime committed or attempted. (The body armor violation is punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both.)

The bill would take effect on October 1, 2000, and is tie-barred to Senate Bill 838, which would prohibit a person who had been convicted of a violent felony from purchasing, owning, possessing, or using body armor, except as otherwise provided in that bill.

MCL 750.227f

Legislative Analyst: P. Affholter

FISCAL IMPACT

House Bill 5311 (H-1) would potentially increase costs to State government.

In 1998, there were two offenders convicted of wearing body armor during a violent crime and both were sentenced to prison. To the extent that a judge sentenced an offender to a consecutive sentence for this offense, as the bill would allow, the term of incarceration for these offenders would increase.

For example, if one assumed that two offenders were convicted of a violent crime with a minimum sentence of seven years, as well as wearing body armor during that crime with a minimum sentence of two and a half years, that the terms were concurrent, and that the offenders served only the minimum term, then each offender would serve a total of seven years. Given that the average annual cost of incarceration is \$22,000 per year, the cost of incarceration for the two offenders would be \$308,000. If the terms were served consecutively, each offender would serve nine and a half years, and given the average annual costs, the cost of incarceration would be \$418,000.

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.