
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5758 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Andrew Richner
House Committee: Criminal Law and Corrections
Senate Committee: Financial Services

CONTENT

The bill would amend the sentencing guidelines provisions in the Code of Criminal Procedure to change a citation to a section of the Uniform Commercial Code regarding the illegal sale of farm products subject to a security interest.

The bill also would revise the sentencing guideline class designation for a third or subsequent conviction of operating a locomotive under the influence. Currently, that offense is categorized as a Class F felony against the public safety, subject to a statutory maximum term of four years. The bill would change the designation to Class E.

The bill would take effect on July 1, 2001. It is tie-barred to House Bill 5228, which would amend the Uniform Commercial Code.

MCL 777.14

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

According to the 1998 Department of Corrections Annual Statistical Report, there were no offenders convicted for a third or subsequent offense of operating a locomotive under the influence nor are there any offenders serving a prison term for which this offense is the controlling sentence. (The Department of Corrections assigns each sentence a number when an offender has multiple convictions and tracks the offender by the primary or controlling sentence.) Given that the bill would change the crime to a Class E felony with a sentencing guideline minimum range from 0-3 months to 24-38 months, from a Class F felony with a sentencing guideline minimum range from 0-3 months to 17-30 months, the average minimum sentence for the offense could increase, thus increasing costs of incarceration for State or local government. To the extent that no offenders were convicted of this offense in 1998, the added penalties would not increase length of stay for offenders.

Date Completed: 12-1-00

Fiscal Analyst: K. Firestone