



Senate Bill 1175 (Substitute S-1 as reported by the Committee of the Whole)
Senate Bill 1176 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Tom George
Committee: Judiciary

CONTENT

Senate Bill 1175 (S-1) would amend the Code of Criminal Procedure to add felony offenses of damaging or destroying research property to the sentencing guidelines. As shown in Table 1, the guidelines would be based on the value of the property, the number of prior convictions, and whether the offense resulted in physical injury or serious impairment of a body function.

Table 1

Property Value, Prior Conviction, or Injury	Felony Class & Category	Statutory Maximum
Between \$1,000 & \$20,000, or with 1 prior conviction	E - Property	5 years
\$20,000 or more, or with 2 or more prior convictions	E- Property	5 years
Physical injury	E - Person	5 years
Serious impairment of a body function	D- Person	10 years
Death	C - Person	15 years

The bill would take effect on January 1, 2005, and is tie-barred to Senate Bill 1176.

Senate Bill 1176 (S-2) would amend the Michigan Penal Code to prohibit a person from doing either of the following:

- Damaging or destroying another person's research property with the intent to frighten, intimidate, or harass any person because of his or her participation or involvement in, or cooperation with, research; to prevent any person from engaging in any lawful profession, occupation, or activity because of his or her participation or involvement in, or cooperation with, research; or, to prevent, delay, hinder, or otherwise harm the research or use of the research.
- Placing any object in any research property to prevent the lawful growing, harvesting, transportation, keeping, selling, or processing of that research property.

A violation would be punishable as shown in Table 2, depending on the value of the property, prior convictions, and whether the offense resulted in injury or death. An offender would be subject to either the maximum fine listed below or a fine equal to three times the value of the property, whichever was greater.

Table 2

Property Value, Prior Convictions, or Injury/Death	Maximum Imprisonment	Maximum Fine
Less than \$200	93 days (misdemeanor)	\$500
\$200 or more but less than \$2,000, or less than \$200 with 1 or more prior convictions	1 year (misdemeanor)	\$2,000
\$1,000 or more but less than \$20,000, or \$200 or more but less than \$1,000 with 1 or more prior convictions	5 years (felony)	\$10,000
\$20,000 or more, or \$1,000 or more but less than \$20,000 with 2 or more prior convictions	5 years (felony)	\$15,000
Physical injury other than serious impairment	5 years (felony)	\$20,000
Serious impairment of a body function of another individual	10 years (felony)	\$25,000
Death of another	15 years (felony)	\$40,000

The value of research property damaged or destroyed in separate incidents pursuant to a scheme or course of conduct within any 12-month period could be aggregated to determine the total value of research property damaged or destroyed. An offender could be charged, convicted, and punished, instead, with another violation arising out of the same criminal transaction.

The court would have to order a person convicted under the bill to pay restitution to the victim and could order the person to pay all research and development costs for the research property damaged or destroyed that arose out of the violation and/or the tuition costs and lost wages of a student who was conducting research regarding the property damaged or destroyed or who was unable to conduct or continue research because of a loss that arose out of the violation.

The bill would take effect on January 1, 2005.

MCL 777.16s (S.B. 1175)
Proposed MCL 750.395 (S.B. 1176)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate impact due to costs of enforcement and sentencing, and fine revenue, which would depend on the number of convictions.

Date Completed: 9-30-04

Fiscal Analyst: Bill Bowerman

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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.