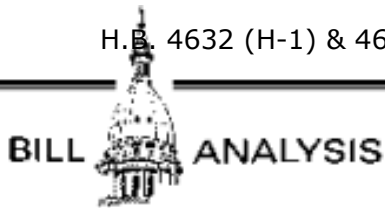




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House Bill 4632 (Substitute H-1 as reported with amendment)  
House Bill 4633 (Substitute H-1 as reported with amendment)  
Sponsor: Representative William Van Regenmorter  
House Committee: Criminal Justice  
Senate Committee: Judiciary

## **CONTENT**

House Bill 4632 (H-1) would amend the Michigan Penal Code to provide for enhanced penalties, depending on the resulting damage or injury, for throwing an object at a vehicle. Under the Code, it is a misdemeanor to throw a stone, brick, or other "missile" at a motor vehicle, passenger train, passenger coach, locomotive, freight train, street car, or trolley car. (A misdemeanor for which no other penalty is specified is punishable by up to 90 days' imprisonment and/or a maximum fine of \$500.) Under the bill, the violation would apply to throwing a stone, brick, or other "dangerous object" at any of those vehicles, and would be a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$100. If the violation caused property damage, injury, or death, it would be punishable as shown in Table 1.

Table 1

Result of Violation	Type	Maximum Fine	Maximum Imprisonment
Property Damage	misdemeanor	\$500	1 year
Injury but not serious impairment or death	felony	2,000	4 years
Serious impairment	felony	5,000	10 years
Death	felony	10,000	15 years

House Bill 4633 (H-1) would amend the Code of Criminal Procedure to include in the sentencing guidelines the felony offenses proposed by House Bill 4632 (H-1), as shown in Table 2. The bill is tie-barred to House Bill 4632.

Table 2

Offense	Felony Class	Felony Against	Statutory Maximum
Throwing or dropping a dangerous object at a vehicle, causing injury	F	a person	4 years
Throwing or dropping a dangerous object at a vehicle, causing serious impairment	D	a person	10 years
Throwing or dropping a dangerous object at a vehicle, causing death	C	a person	15 years

The bills would take effect on January 1, 2004.

MCL 750.394 (H.B. 4632)  
777.16s (H.B. 4633)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. There are no statewide data to indicate how many offenders are currently convicted of the misdemeanor of throwing or dropping a dangerous object at a vehicle. Local units of government are responsible for the costs of misdemeanor probation and incarceration in a local facility, which vary by county. They would incur any additional costs related to increasing the maximum period of incarceration for this offense from 90 to 93 days.

There are also no data to indicate how many of offenders would be charged with any of the three proposed felonies, instead of a misdemeanor, or how many offenders are currently charged with other felonies for committing one of the acts included in the proposed felonies. Local units of government would incur the cost of participation in community corrections programs and the costs of incarceration in a local facility. The State would incur the cost of felony probation at an annual average cost of \$1,750, and incarceration in a State facility at an average annual cost of \$27,000.

Under sentencing guidelines, an offender convicted of the Class F offense (causing injury) would receive a recommended sentence range from 0-3 months to 17-30 months. For each offender convicted, sent to prison, and given the longest allowable minimum sentence of 32 months, it would cost the State \$72,000.

An offender convicted of the Class D offense (causing serious impairment) would receive a recommended sentence range from 0-6 months to 43-76 months. For each offender convicted, sent to prison, and given the longest allowable minimum sentence of 80 months, it would cost the State \$180,000.

An offender convicted of the Class C offense (causing death) would receive a recommended sentence range from 0-11 months to 62-114 months. For each offender convicted, sent to prison, and given the longest allowable minimum sentence of 120 months, it would cost the State \$270,000.

Table 3 shows the sentencing guidelines minimum range and the longest minimum sentence for the proposed felonies.

Table 3

Offense	Felony Class	Sentencing Guidelines Minimum Range	Longest Allowable Minimum Sentence (2/3 of Maximum Sentence)
Throwing or dropping a dangerous object at a vehicle, causing injury	F	0-3 months to 17-30 months	32 months
Throwing or dropping a dangerous object at a vehicle, causing serious impairment	D	0-6 months to 43-76 months	80 months
Throwing or dropping a dangerous object at a vehicle, causing death	C	0-11 months to 62-114 months	120 months

Public libraries would benefit from any additional revenue raised from increased penal fines.

Date Completed: 9-24-03

Fiscal Analyst: Bethany Wicksall

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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.