



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 1311 and 1312 (as reported without amendment)

Sponsor: Senator Buzz Thomas (S.B. 1311)
Senator Dennis Olshove (S.B. 1312)

Committee: Judiciary

CONTENT

Senate Bill 1311 would amend the Michigan Penal Code to provide that it would be a felony for a person to sell or transfer, or attempt to sell or transfer, the product or service of an electric provider or natural gas provider to any other person, knowing or having reason to know that the product or service was obtained illegally. The offense would be punishable by imprisonment for up to five years, a maximum fine of \$5,000, or both. If a person had been previously convicted of this offense, however, the penalty would be imprisonment for up to five years, a maximum fine of \$10,000, or both.

Senate Bill 1312 would amend the Code of Criminal Procedure to include in the sentencing guidelines a violation of Section 282a of the Penal Code (proposed by Senate Bill 1311), as a Class E felony against property with a statutory maximum of five years.

Senate Bill 1312 is tie-barred to Senate Bill 1311.

Proposed MCL 750.282a (S.B. 1311)
MCL 777.16o (S.B. 1312)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. An offender convicted of the Class E offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months, with a statutory maximum sentence of five years. An offender convicted of this offense also would be subject to a fine of up to \$5,000, or \$10,000 for a repeat offense. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 5-26-10

Fiscal Analyst: Matthew Grabowski

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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.