



Senate Fiscal Agency  
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## BILL ANALYSIS



Telephone: (517) 373-5383  
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Senate Bill 1080 (Substitute S-3 as reported)  
Senate Bill 1081 (Substitute S-1 as reported)  
Sponsor: Senator Margaret E. O'Brien (S.B. 1080)  
Senator Rick Jones (S.B. 1081)  
Committee: Judiciary

**CONTENT**

Senate Bill 1080 (S-3) would amend the Michigan Penal Code to prescribe a felony penalty for a detainee or prisoner in a holding cell, holding center, lockup, jail, or correctional institution who threw or attempted to throw any bodily material on any employee or volunteer performing his or her duties in that holding cell, holding center, lockup, jail, or correctional institution, or who otherwise caused or attempted to cause any employee or volunteer performing his or her duties in such a facility to come into contact with any bodily material. The felony would be punishable by imprisonment for up to four years or a maximum fine of \$2,000, or both.

The bill would define "bodily material" as blood, urine, saliva, feces, or semen.

"Correctional institution" would mean a State prison, prison facility or other prison institution, correctional camp, community corrections center, correctional farm, State reformatory, or probation recovery camp, owned, operated, leased, supervised, or contracted for by the State. "Holding cell", "holding center", "lockup", and "jail" would mean those terms as defined in the Corrections Code.

Senate Bill 1081 (S-1) would amend the Code of Criminal Procedure to include the felony proposed by Senate Bill 1080 (S-3) in the sentencing guidelines as a Class F felony against a person, with a statutory maximum sentence of four years' imprisonment.

Senate Bill 1081 (S-1) is tie-barred to Senate Bill 1080.

Proposed MCL 750.411x (S.B. 1080)  
MCL 777.16t (S.B. 1081)

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

Senate Bill 1080 (S-3) could have a negative fiscal impact on the State and local government. More felony prosecutions and convictions could increase resource demands on local court systems, community supervision, and jails and correctional facilities. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. In the long term, if the increased intake of prisoners increased the total prisoner population enough to require the Department of Corrections to open a housing unit or an entire facility, the marginal cost to State government would be approximately \$34,550 per prisoner per year. Any associated increase in fine revenue would be dedicated to public libraries.

Senate Bill 1081 (S-1) would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law). According to one interpretation of that decision, the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction would depend on judicial decisions.

Date Completed: 11-30-16

Fiscal Analyst: Ryan Bergan

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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.