



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4479 (Substitute H-2 as passed by the House)
House Bill 4788 (as passed by the House)
Sponsor: Representative Amanda Price
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 12-8-15

CONTENT

House Bill 4479 (H-2) would amend the Michigan Penal Code to prescribe criminal penalties for the assault or assault and battery of a pregnant woman.

House Bill 4788 would amend the Code of Criminal Procedure to include assault of a pregnant woman, with prior convictions, in the sentencing guidelines.

Each bill would take effect 90 days after its enactment. House Bill 4788 is tie-barred to House Bill 4479.

House Bill 4479 (H-2)

Under the Penal Code, assault or assault and battery in certain domestic violence situations is a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$500. (The penalty applies when a person assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.) Under the bill, the same penalty would apply to an individual who assaulted or assaulted and battered a woman who was pregnant, if the individual knew that the woman was pregnant.

Under the Code, a person who commits assault or assault and battery in a domestic violence situation described above, and has previously been convicted of assault or assault and battery in a domestic violence situation, may be punished by up to one year's imprisonment and/or a maximum fine of \$1,000. If the person has two or more previous convictions, he or she is guilty of a felony punishable by up to five years' imprisonment and/or a maximum fine of \$5,000. Under the bill, those penalties would apply to a person who committed a domestic violence assault or assault and battery or who assaulted or assaulted and battered a pregnant woman and had previous convictions for either offense.

House Bill 4788

Assault of a pregnant woman, with prior convictions, would be a Class E felony against a person, with a statutory maximum sentence of five years imprisonment. (This is the same sentencing guidelines designation as for committing a domestic violence assault with prior convictions.)

MCL 750.81 (H.B. 4479)
777.16d (H.B. 4788)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have a negative fiscal impact on State and local government, although the magnitude of the impact is unknown. The bills would increase the penalty for a second or subsequent conviction of assault or assault and battery directed against a pregnant woman, when the offense was not considered to be a domestic violence incident.

An increase in penalties for misdemeanor or felony convictions could increase resource demands on jails or prisons. 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 increase funding to public libraries.

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.