

PROHIBIT “BOOBY TRAPS”

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House Bills 5176 and 5177 as introduced

Sponsor: Rep. Tommy Brann

Committee: Law and Justice

Complete to 3-4-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5176 would prohibit intentionally setting a contraption or device (commonly referred to as a “booby trap”) capable of causing injury to another and would establish a tiered penalty structure. House Bill 5177 would add the felony penalties to the sentencing guidelines. Each bill would take effect 90 days after being enacted.

House Bill 5176 would make it a *felony offense* to set a contraption or device that is intentionally made or set in a manner that renders the contraption or device capable of causing injury or death to an individual **and** to leave it, or permit it to be left, in or about any place that other individuals may come into contact with it. Each violation would be punishable with a term of imprisonment or a fine, or both, as follows:

Violation involving device	Maximum term of imprisonment	Maximum fine
Capable of injury or death	2 years	\$1,000
Causing injury to another	5 years	\$5,000
Causing serious impairment of a body function*	10 years	\$7,500
Causing death	15 years	\$10,000

* The bill defines “serious impairment of a body function” as that term is defined in Section 58c of the Michigan Vehicle Code (MCL 257.58c).

Proposed MCL 750.411x

House Bill 5177 would place each new felony penalty into the sentencing guidelines portion of the Code of Criminal Procedure to specify that:

- Intentionally placing a contraption or device capable of causing injury or death would be a Class G felony against the public safety with a maximum term of imprisonment of 2 years.
- Intentionally placing a contraption or device capable of causing injury or death that causes injury would be a Class E felony against the public safety with a maximum term of imprisonment of 5 years.

- Intentionally placing a contraption or device capable of causing injury or death that causes serious impairment would be a Class D felony against the public safety with a maximum term of imprisonment of 10 years.
- Intentionally placing a contraption or device capable of causing injury or death that causes death would be a Class C felony against the public safety with a maximum term of imprisonment of 15 years.

MCL 777.16t

Each bill would take effect 90 days after its enactment.

House Bill 5177 is tie-barred to HB 5176, which means that HB 5177 cannot take effect unless HB 5176 is also enacted into law.

FISCAL IMPACT:

House Bill 5176 would have an indeterminate fiscal impact on the state and on local units of government. Information is not available on the number of persons that might be convicted under provisions of the bill. New felony convictions would result in increased costs related to state prisons and state probation/parole supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

House Bill 5177 amends sentencing guidelines and would not have a direct fiscal impact on the state or on local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.