

ARMED ROBBERY

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<http://www.house.mi.gov/hfa>

House Bill 5671 as introduced
Sponsor: Rep. Peter J. Lucido
Committee: Law and Justice
Complete to 4-9-18

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

SUMMARY:

House Bill 5671 would revise statutory language to clarify the elements constituting the crime of armed robbery, including adopting the reasonable person standard for a belief that an article used in the commission of the crime is a dangerous weapon.

Section 529 of the Michigan Penal Code is referred to as the armed robbery statute. To be found guilty of armed robbery, a person must engage in conduct that is prohibited under Section 530 of the Code (use of force or violence while in the course of committing a larceny of any money or other property that may be the subject of the larceny). In addition to this, Section 529 requires that the person, in the course of engaging in that conduct, possess a dangerous weapon or an article used or fashioned in a manner to lead any person present to reasonably believe the article is a dangerous weapon, or represent orally or otherwise that he or she is in possession of a dangerous weapon.

House Bill 5671 would revise the language of Section 529 to state that a person engaging in conduct proscribed (prohibited) under Section 530 and who in the course of engaging in that conduct *does any of the following is guilty of armed robbery* (italics denote proposed additions or changes to the current provision):

- Possesses a dangerous weapon.
- *Possesses* an article used or fashioned in a manner *that would cause a reasonable person to believe the article is a dangerous weapon.* (Note: The proposed change would adopt the “reasonable person” standard rather than requiring the article to *lead any person present to reasonably believe that the article used is a dangerous weapon.*)
- Represents orally or otherwise that he or she *possesses* a dangerous weapon.

The bill would also make several other changes of an editorial, rather than substantive, nature. The penalty for armed robbery would not be changed and remains imprisonment for life or any terms of years, with the imposition of a mandatory minimum sentence of 2 years if the violation results in an aggravated assault of or serious injury to any other person.

The bill would take effect 90 days after being enacted into law.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the state's correctional system and on local court systems, and would depend on how the revisions to the current language in Section 529 affected 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 supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner, 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 affect 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.

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