



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 127 (Substitute S-1 as reported)
Senate Bill 128 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

Senate Bill 127 (S-1) would amend the Michigan Penal Code to provide that a person who committed or attempted to commit a felony in which the victim was targeted because he or she was, or was perceived to be, a police officer, a corrections officer, a firefighter, or emergency medical services (EMS) personnel would be guilty of a felony punishable by up to two years' imprisonment. The term would have to be served consecutively to any term of imprisonment imposed for the underlying felony or attempted felony.

Senate Bill 128 (S-1) would amend the Code of Criminal Procedure to include the offense proposed by Senate Bill 127 (S-1) in the sentencing guidelines as a Class G felony against a person, with a statutory maximum sentence of two years' imprisonment. Senate Bill 128 (S-1) is tie-barred to Senate Bill 127.

Proposed MCL 750.479d (S.B. 127)
MCL 777.16x (S.B. 128)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 127 (S-1) could have a negative fiscal impact on State and local government. The bill would effectively extend the prison sentences of individuals convicted of a felony targeting a police officer, corrections officer, firefighter, or EMS personnel. For any increase in prison sentences, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year.

Senate Bill 128 (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 depends on judicial decision.

Date Completed: 2-22-17

Fiscal Analyst: Ryan Bergan

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Bill Analysis @ www.senate.michigan.gov/sfa

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