

EXPAND PROHIBITION AGAINST POSSESSING ILLEGAL BURGLARY TOOLS

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Senate Bill 870 (S-1) as passed by the Senate
Sponsor: Sen. Jim Runestad
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety
Complete to 9-19-22

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

SUMMARY:

Senate Bill 870 would revise and expand the current prohibition on possessing certain tools or substances generally used to break into buildings, vaults, safes, rooms, or other depositories in order to steal money or property. Under the bill, the prohibition would also apply to possessing electronic technology intended to be used in break-ins and would also include the use of any of the listed tools, substances, or electronic technology to break into a motor vehicle to steal money or property.

Specifically, SB 870 would provide that an individual who knowingly possesses any nitroglycerine, or other explosive, thermite, engine, machine, tool or implement, device, *electronic technology*, chemical or substance, adapted and designed for cutting or burning through, forcing or breaking open, *accessing or bypassing, physically or electronically, the security features of* any building, room, vault, safe, *motor vehicle*, or other depository, with the intent to use it to steal any money or other property, is guilty of a felony punishable by imprisonment for not more than 10 years. (Italics denote proposed additions to current law.)

The bill would take effect 90 days after its enactment.

MCL 750.116

FISCAL IMPACT:

Senate Bill 870 would have an indeterminate fiscal impact on the state and on local units of government. To the extent provisions of the bill result in an increase in felony convictions, the bill would result in increased costs related to state prisons and state probation supervision.

In fiscal year 2021, the average cost of prison incarceration in a state facility was roughly \$44,400 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$4,600 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue.

Any fiscal impact on the judiciary and local court systems would depend on how provisions of the bill affect court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases.

Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

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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.