



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 5182 (Substitute H-2 as passed by the House)  
House Bill 5183 (Substitute H-1 as passed by the House)  
Sponsor: Representative Denise Mentzer (H.B. 5182)  
Representative Alabas Farhat (H.B. 5183)  
House Committee: Criminal Justice  
Senate Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 6-20-24

## **CONTENT**

### **House Bill 5182 (H-2) would amend the Michigan Penal Code to do the following:**

- **Specify that an individual who possessed an item, such as an electronic tool designed or adapted to unlock or start a motor vehicle, with the intent to steal a motor vehicle would be guilty of a felony punishable by up to five years' imprisonment.**
- **Specify that an individual who, as part of a group or criminal organization, possessed an item, such as an electronic tool described above, with the intent to steal more than one motor vehicle would be guilty of a felony punishable by up to 10 years' imprisonment.**

### **House Bill 5183 (H-1) would amend the sentencing guidelines in the Code of Criminal Procedure to include felony penalties proposed by House Bill 5182 (H-2).**

House Bill 5183 is tie-barred to House Bill 5182. Each bill would take effect 90 days after its enactment. House Bill 5182 is described in greater detail below.

### **House Bill 5182 (H-2)**

Under the Michigan Penal Code, an individual who knowingly possesses any nitroglycerine, or other explosive, thermite, engine, machine, tool or implement, device, chemical or substance, adapted and designed for cutting or burning through, forcing or breaking open any building, room, vault, safe, or other depository, who knows that the item has been designed and adapted for the purposes of stealing, and who possesses the item in order to use it to steal any money or property is guilty of a felony, punishable by up to 10 years' imprisonment. The bill would specify that "depository" would not include a motor vehicle.

Under the bill, an individual who knowingly possessed any nitroglycerine, or other explosive, thermite, engine, machine, tool or implement, device, chemical, or substance, adapted and designed for cutting or burning through, forcing, or breaking open a motor vehicle, or an electronic device or tool that was designed or adapted to unlock or turn on a motor vehicle, with the *intent to steal a motor vehicle* would be guilty of a felony punishable by up to five years' imprisonment.

"Electronic device or tool" would mean a device or tool with the purpose of unlocking or turning on a motor vehicle and does not include a previously issued activated electronic card, key, or other electronic device assigned to the lawful owner of the vehicle.

An individual who, in association with another individual or group of individuals as part of a criminal organization, knowingly possessed any item described above, adapted and designed for cutting or burning through, forcing, or breaking open a motor vehicle, or an electronic device or tool that was designed or adapted to unlock or turn on a motor vehicle, with the intent to steal more than one motor vehicle would be guilty of a felony, punishable by up to 10 years' imprisonment.

MCL 750.116 (H.B. 5182)

777.16f (H.B. 5183)

### **PREVIOUS LEGISLATION**

*(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)*

House Bill 5183 is a similar reintroduction to Senate Bill 870 of the 2021-2022 Legislative Session. Senate Bill 870 was passed by the Senate and was reported from the House Committee on Judiciary but received no further action.

Legislative Analyst: Eleni Lionas

### **FISCAL IMPACT**

#### **House Bill 5182 (H-2)**

The bill would have an indeterminate but likely negative fiscal impact on the State and local governments. New felony arrests and convictions under the proposed bill could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities; however, it is unknown how many people would be prosecuted under provisions of the bill. The average cost to State government for felony probation supervision is approximately \$5,600 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$48,700. Per diem rates range from \$100 to \$431 per day (average per diem is \$135), depending on the security level of the facility. Any associated increase in fine revenue would increase funding to public libraries.

#### **House Bill 5183 (H-1)**

The bill 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 ruled that 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 decisions.

Fiscal Analyst: Joe Carrasco, Jr.

SAS\S2324\s5182sa

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.