

Senate Fiscal Agency
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Senate Bill 72 (Substitute S-1 as reported by the Committee of the Whole)
Senate Bill 73 (Substitute S-1 as reported by the Committee of the Whole)
Senate Bill 74 (Substitute S-1 as reported)
Senate Bill 75 (Substitute S-1 as reported)
Sponsor: Senator Bev Hammerstrom (Senate Bills 72 and 74)
Senator Joel D. Gougeon (Senate Bills 73 and 75)
Committee: Families, Mental Health and Human Services (Senate Bills 72 and 73)
Judiciary (Senate Bills 74 and 75)

CONTENT

Senate Bills 72 (S-1) and 73 (S-1) would amend the Michigan Penal Code to provide criminal penalties for threatening, harming, or impersonating an employee of the Family Independence Agency (FIA) under certain circumstances. Senate Bills 74 (S-1) and 75 (S-1) would amend the Code of Criminal Procedure to include the proposed felony offenses in the sentencing guidelines. The bills would take effect on June 1, 2001.

Senate Bill 72 (S-1) would make it a misdemeanor, punishable by up to one year's imprisonment and/or a maximum fine of \$1,000, for a person to communicate to any other person a threat that he or she would physically harm an FIA employee because of his or her status as an FIA employee. It would be a felony, punishable by up to two years' imprisonment and/or a maximum fine of \$1,000, to assault or assault and batter an individual and cause any physical injury while that individual was performing his or her duties as an FIA employee or because of his or her status as an FIA employee. If the offense caused the FIA employee "serious impairment of body function" (as defined in the Michigan Vehicle Code's drunk driving provisions), the crime would be a felony punishable by up to five years' imprisonment and/or a fine of not less than \$1,000 or more than \$5,000. The bill is tie-barred to Senate Bill 73 and House Bill 4099, which would require the FIA to implement a training program for FIA employees required to perform a field investigation or home visit.

Senate Bill 73 (S-1) would prohibit a person who was not employed by the FIA from informing another person, or representing to another person by identification or any other means, that he or she was an FIA employee with the intent to gain entry to, or remain in or upon, a residence, building, structure, facility, or other property; gain access to financial account information; commit a crime; obtain information to which the person was not entitled under Section 7 of the Child Protection Law; or gain access to a person under the age of 18 or a "vulnerable adult". A violation would be a felony, punishable by up to two years' imprisonment, a maximum fine of \$1,000, or both. The bill is tie-barred to Senate Bill 72 and House Bill 4099.

(Section 7 of the Child Protection Law requires the FIA to maintain a statewide, electronic registry pertaining to child abuse and neglect allegations and investigations, and restricts who may have access to confidential information in the registry. "Vulnerable adult" would mean an individual 18 or older who, because of age, developmental disability, mental illness, or disability lacked the cognitive skills required to manage his or her property, whether or not determined by a court to be an incapacitated person in need of protection.)
Senate Bill 74 (S-1) would categorize assault and battery of an FIA employee in the sentencing guidelines as a Class G felony against a person, with a statutory maximum penalty of two years' imprisonment. Assault and battery of an FIA employee that caused serious impairment would be categorized as a Class E felony against a person, with a statutory maximum penalty of five years' imprisonment. The bill is tie-barred to Senate Bill 72.

Senate Bill 75 (S-1) would categorize impersonating an FIA employee as a Class G felony against the public order, with a statutory maximum sentence of two years' imprisonment. The bill is tie-barred to Senate Bill 73.

Proposed MCL 750.81c (S.B. 72)
Proposed MCL 750.217e (S.B. 73)
MCL 777.16d (S.B. 74)
777.16l (S.B. 75)

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government.

There are no data available to indicate how many people could be convicted of assault and battery of an FIA employee, which would be incorporated into the sentencing guidelines as a Class G felony with a maximum sentence of two years; or causing serious impairment to an FIA employee, which would be a Class E felony with a maximum sentence of five years. The sentencing guidelines minimum sentence range for Class G felonies is from 0-3 months to 7-23 months, and for Class E felonies is from 0-3 months to 24-38 months. The minimum sentence cannot exceed two-thirds of the maximum sentence. If 10 offenders a year were convicted of causing serious impairment and served the longest allowable minimum sentence, given that the annual cost of incarceration is \$22,000, costs of incarceration for this crime would be \$1.1 million. Offenders convicted of assault and battery of an FIA employee would not receive a prison sentence because the longest allowable minimum sentence would not exceed 18 months.

There also are no data available to indicate how many offenders would be convicted of impersonating an FIA employee. This offense would be incorporated into the sentencing guidelines as a Class H felony with a minimum sentencing guideline range from 0-1 month to 5-17 months. Offenders convicted of this offense would not receive a prison sentence because the longest allowable minimum sentence would not exceed 18 months.

If an offender's longest allowable minimum sentence would not exceed 18 months, he or she could be sentenced to incarceration in jail, a community corrections program, and/or probation. Local units of government would be responsible for the costs of incarceration or community corrections programs, which vary by county, while the State would incur costs of \$4.38 a day for felony probation.

Date Completed: 2-14-01

Fiscal Analyst: K. Firestone

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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.