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**SFA**

BILL ANALYSIS

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House Bill 5295 (as passed by the House)  
Sponsor: Representative Gene DeRossett  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 2-20-02

### **CONTENT**

The bill would amend the Code of Criminal Procedure to provide that a person could be prosecuted for a criminal offense he or she committed while physically located in Michigan, or while outside of this State, if any of the following circumstances existed:

- The person committed a criminal offense wholly or partly within Michigan.
- His or her conduct constituted an attempt to commit a criminal offense within Michigan.
- His or her conduct constituted a conspiracy to commit a criminal offense within Michigan, and an act in furtherance of the conspiracy was committed within Michigan by the offender, at his or her instigation, or by another member of the conspiracy.
- A victim of the offense or an employee or agent of a government unit posing as a victim resided in Michigan or was located in Michigan at the time the criminal offense was committed.
- The criminal offense produced substantial and detrimental effects within Michigan.

A criminal offense would be considered to have been committed partly within this State if any of the following applied:

- An act constituting an element of the criminal offense was committed within Michigan.
- The result or consequences of an act constituting an element of the criminal offense occurred within Michigan.
- The criminal offense produced consequences that had a materially harmful impact upon this State's system of government or community welfare, or resulted in people within Michigan being defrauded or otherwise harmed.

Proposed MCL 762.2

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate impact, based on the number of cases in which jurisdiction possibly would not be established without the changes included in the bill.

Fiscal Analyst: Bill Bowerman

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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.

