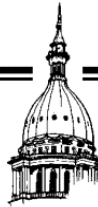




Senate Fiscal Agency  
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## BILL ANALYSIS



Telephone: (517) 373-5383  
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Senate Bill 582 (Substitute S-1 as reported)  
Senate Bill 583 (Substitute S-1 as reported)  
Sponsor: Senator Jim Marleau (S.B. 582)  
          Senator Jim Ananich (S.B. 583)  
Committee: Judiciary

**CONTENT**

Senate Bill 582 (S-1) would amend the Michigan Penal Code to increase the penalties for discharging a firearm either from a motor vehicle, snowmobile, or off-road vehicle (ORV) or in or at a dwelling or occupied structure, in a manner that endangers the safety of others. The bill also would enact enhanced penalties for those violations when they caused physical injury, serious impairment of a body function, or death.

Currently, intentionally discharging a firearm from a motor vehicle, snowmobile, or ORV in a manner that endangers the safety of another individual, is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$2,000. The bill would increase the penalty, and add enhanced penalties, as shown in Table 1.

Table 1  
Intentionally Discharging Firearm from Vehicle, Snowmobile, or ORV

Element of the Offense	Maximum Prison	Maximum Fine
Endangering the safety of another	10 years	\$10,000
Causing physical injury to another	15 years	\$15,000
Causing serious impairment of a body function of another	20 years	\$25,000
Causing the death of another	Life	N/A

Under the Code, intentionally discharging a firearm *at* a facility that the shooter knows or has reason to believe is an occupied structure, in reckless disregard for the safety of any individual, is a felony punishable by up to four years' imprisonment and/or a maximum fine of \$2,000. The same penalty applies to a person who intentionally discharges a firearm *in* a facility that he or she knows or has reason to believe is an occupied structure, in reckless disregard for the safety of any individual. The bill would increase the penalties, and add enhanced penalties, as shown in Table 2. The proposed penalties would apply regardless of whether the dwelling or structure actually was occupied at the time of the discharge.

The bill would not prohibit an individual from being charged with, convicted of, or punished for any other violation, in addition to those listed in Table 1 and Table 2, that he or she committed while violating the bill. A term of imprisonment imposed for a violation listed in Table 1 or Table 2 could run consecutively to any term of imprisonment imposed for another violation arising from the same transaction.

**Table 2**  
**Intentionally Discharging Firearm at or in Structure**

Element of the Offense	Maximum Prison	Maximum Fine
At a facility that the shooter knew or had reason to believe was a dwelling or a potentially occupied structure	10 years	\$10,000
In a facility that the shooter knew or had reason to believe was a dwelling or a potentially occupied structure in reckless disregard for the safety of any individual	10 years	\$10,000
Either violation above, causing physical injury to another	15 years	\$15,000
Either violation above, causing serious impairment of a body function	20 years	\$25,000
Either violation above, causing the death of another	Life	N/A

Senate Bill 583 (S-1) would amend the Code of Criminal Procedure to revise the sentencing guidelines for discharging a firearm from a vehicle and discharging a firearm in or at a building, and to include in the sentencing guidelines the felony penalties proposed by Senate Bill 582 (S-1).

MCL 750.234a & 750.234b (S.B. 582)  
 777.16m (S.B. 583)

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bills would have an indeterminate negative fiscal impact on State and local government. There are two sources of potential impact. First, the bills would increase the class and maximum lengths of sentence for existing crimes of discharging a firearm from a vehicle and discharging a firearm in or at a building. In 2012, there were 24 felony dispositions for discharging a firearm from a vehicle and 76 felony dispositions for discharging a firearm in or at a building. The likelihood of going to prison and the average length of sentence could increase, leading to increased costs of incarceration and community supervision for State and local government. Second, the bills would create new offenses for discharging a firearm from a vehicle or in a building while causing physical injury, serious impairment, or death. Although these new offenses would apply to violations that may be covered by other provisions within the Penal Code, the bills would give judges the option of imposing sentences for these additional crimes consecutively instead of concurrently. Additionally, even if sentences were concurrent, the maximum sentences and classes of the new crimes could be higher than those of the offenses they would overlap, and the redundancy could increase the likelihood of a conviction if the offender were found not guilty of one violation but guilty of a related offense arising from the same event. Therefore, the second impact also would have the potential to increase the average length of sentence and thereby increase the costs of incarceration.

Date Completed: 10-21-13

Fiscal Analyst: Dan O'Connor

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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.