



Senate Fiscal Agency
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BILL ANALYSIS



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House Bills 5942 and 5943 (as reported without amendment)
Sponsor: Representative Beau Matthew LaFave (H.B. 5942)
Representative Scott VanSingel (H.B. 5943)
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

House Bill 5942 would amend Chapter 37 (Firearms) of the Michigan Penal Code to do the following:

- Prohibit and prescribe a misdemeanor penalty for intentionally threatening to commit with a firearm, explosive, or other dangerous weapon violent acts against school students or employees on school property.
- Prohibit and prescribe a felony penalty for threatening to commit a violent act against school students or employees on school property with an overt act toward completion or with specific intent to carry out the threat.

House Bill 5943 would amend the sentencing guidelines in the Code of Criminal Procedure to include the proposed felony as a Class D offense against the public safety with a statutory maximum of 10 years' imprisonment.

Proposed MCL 750.235b (H.B. 5942)
MCL 777.16m (H.B. 4953)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

House Bill 5942 would have a negative fiscal impact on the State and local government. To the extent that changes in the bill led to increased misdemeanor and felony arrests and prosecutions, it could increase resource demands on law enforcement, court systems, 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 \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$5,315 per prisoner per year. Any increased penal fine revenue would be dedicated to public libraries.

House Bill 5943 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 struck down portions of the sentencing guidelines law). According to one interpretation of that decision, 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 would depend on judicial decisions.

Date Completed: 12-6-18

Fiscal Analyst: Abbey Frazier

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Bill Analysis @ www.senate.michigan.gov/sfa

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