



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

## BILL ANALYSIS



Telephone: (517) 373-5383  
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House Bill 5844 (as reported without amendment)  
House Bill 5854 (Substitute H-1 as reported without amendment)  
House Bill 5855 (as reported without amendment)  
House Bill 5856 (Substitute H-1 as reported without amendment)  
House Bill 5857 (as reported without amendment)  
Sponsor: Representative Joseph N. Bellino, Jr. (H.B. 5844)  
Representative Tim Sneller (H.B. 5854)  
Representative Tommy Brann (H.B. 5855)  
Representative Steven Johnson (H.B. 5856)  
Representative Jack O'Malley (H.B. 5857)

House Committee: Judiciary  
Senate Committee: Judiciary and Public Safety

**CONTENT**

House Bill 5844 would amend the Public Health Code to delete mandatory minimum sentences for certain violations of Article 15 (Occupations) of the Code.

House Bill 5854 (H-1) would amend the Michigan Vehicle Code to do the following:

- Delete mandatory minimum sentences for certain offenses related to operating a motor vehicle while impaired and for offenses related to operating a motor vehicle by an unlicensed person.
- Delete provisions requiring certain terms of imprisonment to be served consecutively.
- Allow certain terms imprisonment to be suspended if the defendant agreed to participate in a specialty court program and successfully completed the program.

The bill also would repeal Section 905 of the Code, which pertains to proof of financial responsibility and certain violations of Chapter 5 (Financial Responsibility Act) of the Code.

House Bill 5855 would amend the Revised School Code to delete mandatory minimum sentences for failing to comply with Part 24 (Compulsory School Attendance) of the Code and for certain other misdemeanors related to fraudulently using a teaching certificate or college transcripts to obtain employment.

House Bill 5856 (H-1) would amend the Natural Resources and Environmental Protection Act to do the following:

- Delete mandatory minimum sentences for certain offenses related to the possession or taking of game; the taking or killing of fish, game, and birds; commercial and sport fishing; and impaired operation of a motorboat, off-road recreational vehicle, and snowmobile.
- Delete provisions requiring certain terms of imprisonment to be served consecutively.
- Allow certain terms imprisonment to be suspended if the defendant agreed to participate in a specialty court program and successfully completed the program.

House Bill 5857 would amend the Railroad Code to delete mandatory minimum sentences for certain misdemeanor offenses related to railroads and switches and devices maintained by a railroad company.

MCL 333.16296 & 333.16299 (H.B. 5844)  
257.625 et al. (H.B. 5854)  
380.1599 & 380.1809 (H.B. 5855)  
324.40118 et al. (H.B. 5856)  
462.257 & 462.267 (H.B. 5857)

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

House Bill 5844 would have no fiscal impact on State or local government.

House Bills 5854 (H-1) through 5857 would have an indeterminate fiscal impact on State and local government. The elimination of certain statutory provisions could result in reduced costs for local units of government operate county jails and probation supervision services, as judges would be given more discretion to sentence offenders to an amount of jail time that was less than the current minimum, or to no jail time at all. Additionally, if fines were imposed in addition to or instead of a jail sentence, local libraries could see an increase in penal fine revenue as these fines are distributed to local libraries. The potential savings in county jail costs as well as the potential increased fine revenue are indeterminate and would depend on the reduction in the number of arrests and convictions.

The bill also would decrease deposits into the Juror Compensation Reimbursement Fund, which receives deposits of proceeds from the collection of driver license clearance fees. The elimination of these fees would create a significant loss in revenue for the Fund, as 80% of its receipts come from driver license clearance fees.

Date Completed: 10-21-20

Fiscal Analyst: Joe Carrasco