
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 97 (Substitute S-4 as reported)

Sponsor: Senator Dianne Byrum

Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to restructure the Code's chapter dealing with bombs and explosives, including establishing graduated penalties for some violations. The bill would take effect 90 days after the date of its enactment.

Under the bill, doing any of the following for an unlawful purpose would be subject to the new graduated penalties: sending or delivering any kind of explosive substance or other dangerous thing; placing an explosive substance or an offensive or injurious substance or compound in or near any real or personal property; carrying or possessing an article containing an explosive or combustible substance or a substance or compound that would become explosive or combustible when combined with another substance or compound; and manufacturing, buying, selling, furnishing, or possessing a device that was designed to explode or would explode upon impact or with the application of heat or a flame or that was highly incendiary.

The penalty for those offenses would be up to 15 years' imprisonment and/or a maximum fine of \$10,000. If the violation damaged the property of another, the penalty would be up to 20 years and/or \$15,000; if the violation caused physical injury to another, other than serious impairment of a body function, the penalty would be up to 25 years and/or \$20,000; if the violation caused serious impairment of a body function to another, the penalty would be imprisonment for life or any term of years and/or a maximum fine of \$30,000; and if the violation caused the death of another, the offense would be punishable by imprisonment for life without eligibility for parole and could result in a fine of up to \$50,000.

The Code prohibits transporting explosives between locations on a vessel, car, or vehicle that carries passengers for hire; or ordering, sending, or transporting any explosive substance on a passenger boat, a railroad car, or a vehicle used for carrying passengers or articles of commerce when concealed as baggage or freight. A violation is a felony with no specified penalty (i.e., punishable by up to four years' imprisonment and/or a maximum fine of \$2,000). The bill specifies that these felonies would be punishable by up to five years' imprisonment and/or a maximum fine of \$3,000.

MCL 750.200 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government. The new graduated penalties in the bill that increase allowable maximum prison sentences could result in increased costs for the Department of Corrections. There are no data presently available, however, that would indicate how many annual offenders could be subject to each of the enhanced categories. As a point of information, in 1995, there were approximately 60 felony convictions for explosives-related offenses described in the bill, of which 13 received prison sentences.

Date Completed: 5-27-97

Fiscal Analyst: M. Hansen

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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.