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**SFA****BILL ANALYSIS**

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Senate Bill 103 (as introduced 1-27-99)  
Sponsor: Senator Virgil C. Smith, Jr.  
Committee: Judiciary

Date Completed: 4-27-99

### **CONTENT**

**The bill would amend the Michigan Penal Code to revise the penalties for a person who assists a prisoner to escape, and for a person having custody of a prisoner who allows the prisoner to escape. In either case, the offense would be punishable by imprisonment for at least 10 but not more than 15 years, if the prisoner were charged with or convicted of a felony.**

The Code prohibits the following:

- Bringing into a jail, prison, or similar place of confinement anything that is useful in assisting a prisoner to escape, with the intent to facilitate an escape.
- Aiding or assisting a lawfully confined or detained prisoner to escape.
- Forcibly removing a prisoner from custody.

A violation is a felony punishable by imprisonment for up to 15 years. If the prisoner is charged with a misdemeanor, however, the offense is a misdemeanor punishable by imprisonment for up to one year or a maximum fine of \$500. Under the bill, unless the prisoner was charged with a misdemeanor, a violation would be punishable by imprisonment for at least 10 years but not more than 15 years. If the prisoner were charged with a misdemeanor, the offense would be a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$500, or both.

Currently, if a jailer or other officer voluntarily allows a prisoner in his or her custody to escape, the jailer or officer is subject to the punishment to which the prisoner was sentenced.

The bill provides, instead, that if the prisoner were charged with or convicted of a felony, the offender would be guilty of a felony punishable by imprisonment for at least 10 years but not more than 15 years. If the prisoner were charged with or convicted of a misdemeanor, the offense would be a misdemeanor punishable by up to one year in prison and/or a maximum fine of \$500.

MCL 750.183 & 750.188

Legislative Analyst: S. Lowe

### **FISCAL IMPACT**

Senate Bill 103 would increase costs for State government.

In 1997, there were two convictions for violation of MCL 750.183--aiding a prisoner to escape, and two convictions for second violations of this section. There were no convictions for violation of MCL 750.188, allowing a prisoner to escape. Of those four convictions only one received a prison sentence. Also in 1997, one person (who may or may not have been convicted in 1997) was committed to a minimum sentence of three years for aiding a prisoner to escape. Assuming that a prisoner served the entire minimum sentence and that the prisoner would serve 10 years instead of three years under the bill, given that the average annual cost of incarceration is \$22,000, the cost to incarcerate the prisoner would increase by \$154,000.

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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.

Fiscal Analyst: K. Firestone