



**House  
Legislative  
Analysis  
Section**

House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

**SENTENCING GUIDELINES:  
TECHNICAL AMENDMENTS**

**House Bill 5576 with committee  
amendment  
First Analysis (2-13-02)**

**Sponsor: Rep. Jennifer Faunce  
Committee: Criminal Justice**

***THE APPARENT PROBLEM:***

Chapter XVII of the Code of Criminal Procedure, entitled "Sentencing Guidelines", contains the statutory maximum terms of imprisonment for felony violations of state and local laws. Whenever a term of imprisonment for a crime is changed, or if a provision pertaining to a crime is moved from one section of the law to another, the corresponding section or sections of the sentencing guidelines must be amended to reflect the change. This legislative session alone, Section 12 (which contains the maximum sentences for over 80 felonies enumerated in Chapters 200 to 299 of the Michigan Compiled Laws), has been amended four times, with another three bills that would amend it further still pending in the House and Senate. Section 15 has already been amended twice. This has necessitated the drafting of many substitute bills so that subsequently enacted bills did not erase changes in the law. Some believe that breaking up these larger sections of the sentencing guidelines into smaller ones could reduce the number of "conflict" substitutes needed when multiple bills amending the same section of law are being acted on within a short time period of each other. To address this issue, it has been suggested that sections of the sentencing guidelines that encompass many felony references be broken into several smaller sections.

***THE CONTENT OF THE BILL:***

Currently, Section 15 of Chapter XVII of the Code of Criminal Procedure lists the statutory maximum number of years imprisonment for felonies enumerated in Chapters 500 to 749 of the Michigan Compiled Laws. The bill would instead break this large range of compiled laws into smaller sections. For example, under the bill, Section 15a would apply to felonies enumerated in Chapters 500 to 550 of the compiled laws, Section 15b would apply to felonies enumerated in Chapters 551 to 570, and so forth. The bill would take effect April 1, 2002.

MCL 777.15 et al.

***BACKGROUND INFORMATION:***

The House of Representatives has passed five related bills, House Bills 5389-5393, which would amend Sections 11-14 and Section 17 in a similar manner. All except House Bill 5393 are now pending Senate floor action.

***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would have no significant fiscal implications. (2-12-02)

***ARGUMENTS:***

***For:***

It is not unusual for multiple bills introduced in the same session to be amending the same section of law. When this happens, "conflict" substitutes must be drafted so that changes made by a recently enrolled bill are not inadvertently "wiped out" by a subsequent one. This year, over 80 bills have been introduced to amend sections of the Code of Criminal Procedure containing sentencing guidelines for felony offenses. Section 15 of Chapter XVII of the code has already been amended twice this session (by Public Acts 10 and 152 of 2001), and one other bill that has passed the House and is waiting Senate committee action (HB 4639) would also amend this section. With over 30 felony offenses that cover guidelines for felony violations under the Insurance Code, Revised Judicature Act, and Probate Code lumped into this section, each substitute bill has been several pages long. Some have suggested that if the sections of the code containing sentencing guidelines were broken up into smaller sections, that fewer conflict substitutes (as they are known) would be needed. In addition, the substitute bill would likely be shorter, which would save printing costs as well as time needed to read the bill in order to identify the proposed changes. House Bill 5576 would amend Section 15 of the chapter on sentencing guidelines to break the long MCL section into smaller ones. For example, instead of all of the felonies enumerated in chapters 500 to 749 of the MCL being placed in a

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single section of the Code of Criminal Procedure, felonies enumerated in chapters 500 to 550 of the MCL would be placed in Section 15a, felonies enumerated in 551 to 570 of the MCL would be placed in Section 15b, and so forth.

***POSITIONS:***

There are no positions on the bill.

Analyst: S. Stutzky

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.