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SFA



BILL ANALYSIS

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Senate Bill 70 (Substitute S-1 as reported by the Committee of the Whole)

Senate Bill 71 (Substitute S-2 as reported)

Sponsor: Senator Bill Schuette (Senate Bill 70)

Senator William Van Regenmorter (Senate Bill 71)

Committee: Judiciary

CONTENT

Senate Bill 70 (S-1) would amend the Code of Criminal Procedure to include death to an embryo or fetus in the sentencing guidelines classifications. Senate Bill 71 (S-2) would amend the Michigan Penal Code to include intending to cause and causing the death of an embryo or fetus in the penalty provisions for various offenses against a pregnant woman. Senate Bill 70 (S-1) is tie-barred to Senate Bill 71. Both bills would take effect on June 1, 2001.

Senate Bill 70 (S-1) would include causing death to an embryo or fetus, as proposed by Senate Bill 71 (S-2), in each of the existing sentencing guidelines classifications for the following felonies:

Offense	Category	Class	Stat. Max.
Assault committed against a pregnant woman causing miscarriage or stillbirth, with intent or recklessness	Person	A	Life
Assault committed against a pregnant woman resulting in miscarriage or stillbirth	Person	C	15 years
Gross negligence committed against a pregnant woman resulting in miscarriage or stillbirth	Person	C	15 years
Drunk driving causing miscarriage or stillbirth	Person	C	15 years
Careless or reckless driving causing miscarriage or stillbirth	Person	G	2 years

Senate Bill 71 (S-2) would add death to an embryo or fetus to each of the Michigan Penal Code provisions described below. (Where the Code currently refers to conduct that results in a miscarriage or stillbirth, the bill also would include conduct resulting in death to an embryo or fetus.)

Under the Code, intentionally committing various assault offenses against a pregnant woman is punishable by up to 15 years' imprisonment, a maximum fine of \$7,500, or both, if the violation results in a miscarriage or stillbirth. The offense is punishable by imprisonment for life or any term of years, however, if both of the following apply:

- The person intended to cause a miscarriage or stillbirth or great bodily harm to the woman's embryo or fetus, or acted in wanton and willful disregard of the likelihood that the natural tendency of his or her conduct would be to cause a miscarriage or stillbirth or great bodily harm to the embryo or fetus.
- The person's conduct resulted in a miscarriage or stillbirth.

In addition, committing a grossly negligent act against a pregnant woman that results in a miscarriage or stillbirth is a felony punishable by up to 15 years' imprisonment and/or a maximum fine of \$7,500. Drunk driving that involves an accident with a pregnant woman, causing a miscarriage or stillbirth, is a felony punishable by up to 15 years' imprisonment and/or a fine of not less than \$2,500 or more than \$10,000. Careless or reckless driving that is the proximate cause of an accident involving a pregnant woman and

results in a miscarriage or stillbirth is a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000.

MCL 777.16d (S.B. 70)
750.90a-750.90e (S.B. 71)

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. The impact is indeterminate because there are no data to indicate how many more offenders could be convicted of assault against a pregnant woman, if death to an embryo or a fetus were added to the crimes.

Date Completed: 2-14-01

Fiscal Analyst: K. Firestone

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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.