

Legislative Analysis



MOLOTOV COCKTAILS: PENALTIES

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Senate Bill 1287 (Substitute H-1)
Sponsor: Sen. Jud Gilbert, II

Senate Bill 1288 (Substitute H-1)
Sponsor: Sen. Gerald Van Woerkom

Senate Committee: Judiciary
House Committee: Criminal Justice
Complete to 12-1-04

A SUMMARY OF SENATE BILLS 1287 & 1288 AS REPORTED FROM COMMITTEE]

Senate Bill 1287 (H-1) would amend Chapter 33 of the Michigan Penal Code (MCL 750.211a) to prohibit a person from manufacturing, buying, selling, furnishing, or possessing a Molotov cocktail or any similar device. A violation would be a felony punishable by up to four years' imprisonment and/or a maximum fine of \$2,000.

The bill would define "Molotov cocktail" to mean an improvised incendiary device that was constructed from a bottle or other container filled with a flammable or combustible material or substance and that had a wick, fuse, or other device designed or intended to ignite the contents of the device when it was thrown or placed near a target.

Senate Bill 1288 (S-2) would amend the Code of Criminal Procedure (MCL 777.16k) to include a violation of Senate Bill 1287 in the sentencing guidelines. The offense would be a Class F felony against the public safety, with a statutory maximum sentence of four years' imprisonment. The bill is tie-barred to Senate Bill 1287. Both bills would take effect April 1, 2005

FISCAL IMPACT:

The bills would have an indeterminate impact on the state and local units of government, depending on how they affected prosecutorial charging decisions and the numbers and severity of felony convictions. The state is responsible the costs for felony probation supervision and incarceration in a state prison, while local units of government are responsible for the costs of incarceration in a county jail. To the extent that SB 1287 enabled the obtaining of felony convictions that otherwise would not be possible, it could increase state or local costs, depending on the sanctions applied. Any increases in penal fine collections under the bill could increase revenues for local libraries, which are the constitutionally-designated recipients of those revenues.

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