

Legislative Analysis



MOLOTOV COCKTAIL PENALTIES

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

Senate Bill 1288 (Substitute S-2)
Sponsor: Sen. Gerald Van Woerkom

Senate Committee: Judiciary
House Committee: Criminal Justice

Complete to 11-30-04

A SUMMARY OF SENATE BILLS 1287 AND 1288 AS PASSED BY THE SENATE]

Senate Bill 1287 (S-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 that is designed to explode or will explode upon impact or with the application of heat or a flame, or that is highly incendiary, except as authorized by law. A violation would be a felony punishable by up to four years' imprisonment and/or a maximum fine of \$2,000.

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.

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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