



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 1287 and 1288 (as introduced 6-8-04)
Sponsor: Senator Jud Gilbert, II (S.B. 1287)
Senator Gerald Van Woerkom (S.B. 1288)
Committee: Judiciary

Date Completed: 6-7-04

CONTENT

Senate Bill 1287 would amend the Michigan Penal Code to prohibit carrying or possessing certain combustible substances or possessing a device designed to explode on impact or with the application of heat or a flame.

Senate Bill 1288 would amend the Code of Criminal Procedure to include violations of Senate Bill 1287 in the sentencing guidelines. The bill is tie-barred to Senate Bill 1287.

Senate Bill 1287

The bill would prohibit a person from doing either of the following, except as authorized by law:

- Carrying or possessing an explosive or combustible substance or a substance or compound that when combined with another substance or compound will become explosive or combustible or an article containing an explosive or combustible substance or a substance or compound that when combined with another substance or compound will become explosive or combustible.
- Possessing any 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.

Each violation would be a felony punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both.

Senate Bill 1288

Under the bill, each offense proposed by Senate Bill 1287 would be designated in the sentencing guidelines as a Class F felony against the public safety, with a statutory maximum sentence of four years' imprisonment.

MCL 750.210 & 750.211a (S.B. 1287)
777.16k (S.B. 1288)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the new offenses. Class

F felonies have a minimum sentencing guidelines recommended sentence range of 0-3 months to 17-30 months. Local units would incur the costs of intermediate sanctions and incarceration in a local facility, both of which vary by county. The State would incur the cost of felony probation at an average annual cost of \$1,800, as well as the cost of incarceration in a State facility at an average annual cost of \$28,000. For each offender who was convicted, sentenced to prison, and given the longest allowable minimum sentence, it would cost the State \$70,000. Public libraries would benefit from any additional penal fine raised.

Fiscal Analyst: Bethany Wicksall

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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.