




Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4431 (Substitute H-2 as reported by the Committee of the Whole)
Sponsor: Representative Lorence Wenke
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to include murder committed in the perpetration of torture or aggravated stalking among the acts that constitute first-degree murder.

Under the Code, a person is guilty of first-degree murder and must be punished by life imprisonment if he or she commits murder during the perpetration or attempted perpetration of certain crimes, including robbery, first-degree child abuse, a major controlled substance offense, kidnapping, or first-, second-, or third-degree criminal sexual conduct. The bill would include torture and aggravated stalking in that "felony murder" provision.

The bill would take effect on December 1, 2006.

MCL 750.316

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government. There are no data to indicate how many offenders would be convicted of committing murder while perpetrating torture or aggravated stalking. In 2003, 187 offenders were convicted of first-degree murder, including 61 for felony murder, and 230 offenders were convicted of aggravated stalking. There are no data on torture convictions because Section 85 (which prohibits torture) has been effective only since March 1, 2006. To the extent that the bill would result in more sentences to life in prison without parole for offenders who otherwise would have been discharged or paroled, the State would incur the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 9-7-06

Fiscal Analyst: Lindsay Hollander