



Senate Fiscal Agency
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BILL ANALYSIS

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House Bills 5999 and 6000 (as passed by the House)
Sponsor: Representative Paul Condino
House Committee: Judiciary

CONTENT

House Bill 5999 would amend Public Act 17 of 1909, which prohibits or limits access to certain items by prisoners and corrections employees, to prohibit a person from selling, giving, or furnishing or aiding in the selling, giving, or furnishing of a cellular telephone or other wireless communication device to a prisoner in a correctional facility. The bill also would prohibit a person from disposing of a cellular telephone or other wireless communication device in or on the grounds of a correctional facility.

A violation of the Act is a felony punishable by up to five years' imprisonment, a maximum fine of \$1,000, or both.

House Bill 6000 would amend the Code of Criminal Procedure to include in the sentencing guidelines the violation proposed by House Bill 5999. Furnishing a cell phone to a prisoner would be a Class E felony against the public safety, with a statutory maximum sentence of five years' imprisonment.

The bill is tie-barred to House Bill 5999.

Proposed MCL 800.283a (H.B. 5999)
MCL 777.17g (H.B. 6000)

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 proposed offense. Wireless communication devices are currently contraband in correctional facilities. An offender convicted of the Class E offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. To the extent that the bills would result in increased incarceration time, local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$31,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 12-7-06

Fiscal Analyst: Lindsay Hollander