



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 1049 (as introduced 1-23-08)
Sponsor: Senator John Pappageorge
Committee: Judiciary

Date Completed: 2-4-08

CONTENT

The bill would amend the Code of Criminal Procedure to include a partial-birth abortion violation in the sentencing guidelines as a Class G felony against a person with a statutory maximum sentence of two years' imprisonment.

The bill is tie-barred to Senate Bill 776, which would prohibit a person from performing a partial-birth abortion and killing a human fetus. A violation of Senate Bill 776 would be a felony punishable by up to two years' imprisonment and/or a maximum fine of \$50,000.

Under Senate Bill 776, "partial-birth abortion" would mean an abortion in which the physician, an individual acting under the delegatory authority of the physician, or any other individual performing the abortion deliberately and intentionally vaginally delivers a living fetus until, in the case of a headfirst presentation, the entire fetal head is outside the body of the mother, or in the case of a breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus, and performs the overt act that kills the partially delivered living fetus rather than completing the delivery.

MCL 777.16d

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill 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. An offender convicted of the Class G offense would receive a sentencing guidelines minimum sentence range of 0-3 months to 7-23 months. 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 \$33,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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