

# Legislative Analysis

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## GANG VIOLATION SENTENCES

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**House Bill 4931**

**Sponsor: Rep. Joe Haveman**

**Committee: Judiciary**

**Complete to 10-20-09**

## A SUMMARY OF HOUSE BILL 4931 AS INTRODUCED 5-12-09

The bill would amend the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.16t) to specify that a violation of the prohibition on gang recruitment would be a Class E felony against a person with a maximum term of imprisonment of 5 years, and that retaliation for withdrawal from a gang would be a Class B felony against a person with a 20-year maximum term of imprisonment.

## FISCAL IMPACT:

The bill would have no direct fiscal impact on the state or local units of government.

## BACKGROUND INFORMATION:

Last session, a four-bill package that addressed gang-related crimes was enacted into law. Two of the bills created new gang-related offenses, and the other two placed the maximum terms of imprisonment for the felony offenses within the sentencing guidelines. One of the sentencing guidelines bills – Senate Bill 292 (Public Act 565) – contained the penalty created by Senate Bill 291 (Public Act 564): up to 20 years imprisonment for committing or attempting to commit a felony for which gang membership or association provided the motive, means, or opportunity. The other sentencing guidelines bill – Senate Bill 661 (Public Act 562) – contained that same penalty, as well as the penalties for crimes established by Senate Bill 660 (Public Act 563 of 2008) – gang recruitment and deterring a person from or retaliating against a person for withdrawing from a gang.

Senate Bill 292, which contained the single sentencing guidelines amendment, was inadvertently signed into law after Senate Bill 661, which contained all three amendments. The result was that the newly enacted provisions relating to gang recruitment and retaliation for withdrawal from a gang were mistakenly deleted.

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