



Senate Fiscal Agency
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House Bill 4931 (as discharged)
Sponsor: Representative Joe Haveman
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to include in the sentencing guidelines the felonies of gang recruitment and retaliation for withdrawal from a gang.

Gang recruitment would be a Class E felony against a person, with a statutory maximum sentence of five years' imprisonment. Retaliation for withdrawal from a gang would be a Class B felony against a person, with a statutory maximum sentence of 20 years' imprisonment.

(Public Act 563 of 2008 amended the Michigan Penal Code to establish those offenses and the associated penalties.)

MCL 777.16t

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 will be convicted of the new offenses. If the offenses were included in the sentencing guidelines, an offender convicted of the Class E gang recruitment offense would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months, with a statutory maximum of five years. An offender convicted of the Class B retaliation for withdrawal from a gang offense would receive a sentencing guidelines minimum sentence range of 0-18 months to 117-160 months, with a statutory maximum of 20 years.

Local governments will incur the costs of incarceration in local facilities, which vary by county. The State will 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 \$34,000. Any additional penal fine revenue collected will benefit public libraries.

Date Completed: 12-1-10

Fiscal Analyst: Matthew Grabowski