

Legislative Analysis



PENALTY FOR STRANGULATION & SUFFOCATION

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Senate Bill 848 (Substitute S-2)

Sponsor: Sen. Steven Bieda

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 11-6-12

A SUMMARY OF SENATE BILL 848 AS PASSED BY THE SENATE 2-7-12

The bill would establish a penalty for assaulting another person by strangulation or suffocation and define those terms.

The bill would amend the Michigan Penal Code (MCL 750.84) to specify that assaulting another person by strangulation or suffocation would carry the same penalty as for assault with intent to do great bodily harm less than murder—a felony punishable by imprisonment for not more than 10 years and/or a fine of not more than \$5,000. "Strangulation or suffocation" would mean intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.

The bill would not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same conduct as a violation of Section 84 (assault with intent to great bodily harm less than murder or assault by strangulation or suffocation).

FISCAL IMPACT:

The bill would have an indeterminate impact on the State and on local units of government. To the extent that the new felony offense for assault by strangulation or suffocation resulted in offenders being convicted of this offense rather than another lesser offense, the bill could increase state and local correctional costs and civil fine revenue. However, data is not available to evaluate current sentencing patterns for offenders who commit this offense.

The average cost of prison incarceration in a state facility is roughly \$34,000 per prisoner per year. The cost of local incarceration in a county jail varies by jurisdiction. Costs of parole and felony probation supervision, exclusive of the cost of electronic tether, average about \$2,400 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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