

Legislative Analysis



SENTENCING GUIDELINES FOR A FELONY DESCRIBED IN EMPLOYMENT SECURITY ACT

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House Bill 5461

Sponsor: Rep. Deb Shaughnessy

Committee: Commerce

Complete to 6-4-12

A SUMMARY OF HOUSE BILL 5461 AS INTRODUCED 3-8-12

House Bill 5461 would amend the Code of Criminal Procedure's sentencing guidelines relating to violations of a recently enacted section of the Michigan Employment Security Act.

Senate Bill 806, which has already been enacted as Public Act 269 of 2011, put in place a new Section 54(m) in the Employment Security Act that specifies that a person who obtains or withholds unemployment benefits or payments exceeding \$3,500 but less than \$25,000 as a result of a knowing false statement or representation or the knowing or willful failure to disclose a material fact is guilty of a felony. House Bill 5461, as introduced, is tie-barred to Senate Bill 806, which, as noted, has already been enacted.

The felony is punishable by imprisonment for not more than one year or the performance of community service of not more than one year not to exceed 2,080 hours, or a combination of the two that does not exceed one year.

House Bill 5461 would amend the sentencing guidelines to make the offense class and the statutory maximum term of imprisonment variable based on the predicate offense.

MCL 777.14c

FISCAL IMPACT:

Since this violation of the Michigan Employment Security Act and the penalties for the violation are already specified in current law, the conforming amendments to sentencing guidelines would have no fiscal impact on the State or on local units of government.

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