

# Legislative Analysis

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## SCHOOL VIOLENCE THREATS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5942 as introduced**  
**Sponsor: Rep. Beau Matthew LaFave**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 5943 as introduced**  
**Sponsor: Rep. Scott VanSingel**

**Committee: Judiciary**  
**Complete to 5-29-18**

### BRIEF SUMMARY:

House Bill 5942 would create a two-tier penalty structure for making threats involving the use of certain dangerous weapons against students or school employees on school grounds or property.

House Bill 5943 would place the felony penalty created by HB 5942 within the sentencing guidelines chapter of the Code of Criminal Procedure.

Each bill would take effect 90 days after being enacted.

### DETAILED SUMMARY:

House Bill 5942 would add a new section to Chapter XXXVII (Firearms) of the Michigan Penal Code. Under the bill, a person who threatens to use a firearm, explosive, or other dangerous weapon to commit an act of violence, as described below, would be subject to criminal penalties.

The penalty would apply to threats, made verbally, through the use of an electronic device or system, or through other means, to commit an act of violence against any students or school employees on school grounds or school property. However, the threat would have to be able to be reasonably interpreted to be harmful or adverse to human life or “dangerous to human life” as defined in the Code (see below). A violation would be a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000, or both.

If the person had the specific intent to carry out the threat, or had undertaken an overt act toward carrying out the threat, the penalty would be enhanced to a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000, or both.

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 transaction as a violation of these provisions.

#### Definitions

“Dangerous to human life” is defined in Section 543b of the Code to mean that which causes a substantial likelihood of death or serious injury or that is a violation of Section 349 or 350. (Section 349 prohibits kidnapping, and Section 350 prohibits maliciously, forcibly, or

fraudulently leading, taking, or enticing away a child under the age of 14 years with the intent to detain or conceal the child from the child's parent or legal guardian.)

Section 237a of the Code defines "school" to mean a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12.

Section 237a defines "school property" to mean a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

Proposed MCL 750.235b

**House Bill 5943** would amend the sentencing guidelines chapter (Chapter XVII) of the Code of Criminal Procedure to specify that threatening to commit a violent act against school students or employees on school property with an overt act toward completion or with specific intent would be a Class D felony against a person with a maximum term of imprisonment of 10 years. The bill is tie-barred to HB 5942, meaning that HB 5943 could not take effect unless HB 5942 were also enacted.

MCL 777.16m

#### **FISCAL IMPACT:**

**House Bill 5942** would have an indeterminate fiscal impact on the state and on local units of government. Information is not available on the number of persons that might be convicted under provisions of the bill. New felony convictions would result in increased costs related to state prisons and state probation/parole supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

**HB 5943** amends sentencing guidelines and would not have a direct fiscal impact on the state or on local units of government.

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