



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 580 and 581 (as reported without amendment)
Sponsor: Senator David Knezek
Committee: Judiciary

CONTENT

Senate Bill 581 would amend provisions of the Michigan Vehicle Code that prohibit the use of a wireless two-way communication device while operating a vehicle, to do the following:

- Specify that a wireless two-way communication device would include a computer, tablet device, camera, or other internet-based communication device.
- Prescribe a felony penalty for a violation that caused the death of another individual, and a misdemeanor penalty for a violation that caused serious impairment of a body function to another individual.

Currently, a violation is a civil infraction and a violator is responsible for a civil fine of \$100 for a first violation and \$200 for a subsequent violation. The proposed misdemeanor penalty would be imprisonment for up to one year or a maximum fine of \$500, or both. The proposed felony penalty would be imprisonment for up to five years or a maximum fine of \$2,000, or both.

Senate Bill 580 would amend the sentencing guidelines in the Code of Criminal Procedure to include the felony proposed by Senate Bill 581 as a Class E crime against a person with a statutory maximum sentence of five years' imprisonment.

MCL 777.12e (S.B. 580)
257.602b (S.B. 581)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

Senate Bill 580 would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Senate Bill 581 could have a negative fiscal impact on State and local government. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

Date Completed: 9-29-17

Fiscal Analyst: Ryan Bergan

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Bill Analysis @ www.senate.michigan.gov/sfa

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