



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 4118 (Substitute H-1 as reported without amendment)  
House Bill 4119 (Substitute H-2 as reported without amendment)  
Sponsor: Representative Klint Kesto (H.B. 4118)  
Representative Brandt Iden (H.B. 4119)  
House Committee: Judiciary  
Senate Committee: Judiciary

**CONTENT**

House Bill 4119 (H-2) would add Section 411x to the Michigan Penal Code to provide that a detainee or prisoner in a holding cell, holding center, lockup, jail, or State correctional facility who knowingly did either of the following would be guilty of a felony punishable by imprisonment for up to four years or a maximum fine of \$2,000, or both:

- Threw or attempted to throw any bodily material, that came into contact with any employee or volunteer performing his or her duties in that holding cell, holding center, lockup, jail, or State correctional facility.
- Caused or attempted to cause any employee or volunteer performing his or her duties in that holding cell, holding center, lockup, jail, or State correctional facility to come into contact with any bodily material,

Section 411x would not apply to a prisoner or detainee who violated these provisions because he or she had a mental illness or intellectual disability for which he or she had received a diagnosis by a mental health professional or for which the prisoner or detainee was currently receiving treatment by a mental health professional.

The bill would define "bodily material" as blood, urine, saliva, semen, or feces.

House Bill 4118 (H-1) would amend the Code of Criminal Procedure to include the proposed felony in the sentencing guidelines as a Class F offense against a person with a statutory maximum of four years' imprisonment.

MCL 777.16t (H.B. 4118)  
Proposed MCL 750.411x (H.B. 4119)

Legislative Analyst: Jeff Mann

**FISCAL IMPACT**

House Bill 4119 (H-2) could have a negative fiscal impact on the State and local government. More felony arrests and convictions could increase demands on 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.

House Bill 4118 (H-1) 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.

Date Completed: 2-22-18

Fiscal Analyst: Ryan Bergan