



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4315 (Substitute S-1 as reported)
House Bill 4316 (Substitute S-1 as reported)
Sponsor: Representative Mike Mueller (H.B. 4315)
Representative David LaGrand (H.B. 4316)
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety

CONTENT

House Bill 4315 (S-1) would amend the Michigan Penal Code to prohibit a person from taking a firearm from a peace officer or a corrections officer if, among other things, the person caused a serious or aggravated injury to the officer in intentionally taking or attempting to take the firearm, and prescribe a felony penalty for a violation.

House Bill 4316 (S-1) would amend the sentencing guidelines in the Code of Criminal Procedure to include the felony proposed by House Bill 4315 (S-1) as a Class C felony against a person with a statutory maximum sentence of 20 years' imprisonment.

House Bill 4316 (S-1) is tie-barred to House Bill 4315.

MCL 750.479b (H.B. 4315)
777.16x (H.B. 4316)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

House Bill 4315 (S-1) would have a negative fiscal impact on State and local government. New felony arrests and convictions under the proposed bill could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. However, it is unknown how many people would be prosecuted under the bill's provisions. 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 \$5,315 per prisoner per year. Any additional revenue from imposed fines would go to local libraries.

House Bill 4316 (S-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: 9-24-20

Fiscal Analyst: Joe Carrasco