



House
Legislative
Analysis
Section
Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

SCHOOL BUS DESTRUCTION

House Bill 4155 as introduced
First Analysis (2-2-95)

Sponsor: Rep. Allen Lowe
Committee: Judiciary and Civil Rights

THE APPARENT PROBLEM:

While youthful acts of violence against school property are not uncommon, occasionally an act that attracts particular attention is committed. Such an incident recently occurred in the Crawford AuSable School District, where vandals cut brake lines and flattened tires on several school buses, causing a reported \$2,500 worth of damage and closing school for the day. The expense and inconvenience for the school district are of obvious concern, but what many find especially alarming is the danger that damaged school buses pose for the children who ride them. In the Crawford County case, two eighteen-year-old high school students were charged and subsequently pled guilty to the offense of malicious destruction of personal property worth over \$100, a felony punishable by up to four years in prison and a fine of up to \$2,000 (reports are that the youths in question spent some time in jail, were placed on probation, expelled from school, and were assigned community service). Many believe that the maximum penalty for malicious destruction is not severe enough for an offense that puts children at risk, and have for some time urged the creation of special penalties for school bus vandalism that endangers riders. With the advent of legislation proposing to revise larceny statutes to, among other things, raise the misdemeanor/felony threshold to \$1,000, fresh urgency has been lent to the proposal to create a separate felony offense for school bus vandalism.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Penal Code to create special penalties for malicious destruction of a school bus. It would be a felony punishable by imprisonment for up to five years and a fine of up to \$5,000 to intentionally damage a school bus so that a health or safety hazard was created for anyone occupying that bus (under the bill, the dollar value of any damage would be irrelevant). The term "school bus" would include both school buses

and school transportation vehicles, as defined by the vehicle code (a "school transportation vehicle" would have to be marked as such in order for the bill to apply). The bill would take effect August 1, 1995.

MCL 750.377c

FISCAL IMPLICATIONS:

There is no fiscal information at this time. (2-1-95)

ARGUMENTS:

For:

Criminal acts that jeopardize the safety of children cannot be tolerated, and should be subject to stiff penalties. School bus vandalism that puts riders at risk is such an act, and should be punished more harshly than ordinary vandalism. Through establishing special felony penalties for dangerous school bus vandalism, without regard to the dollar value of the damage, the bill would enable courts to properly punish the worst offenders. Perhaps even more importantly, the prospect of such punishment may serve as a deterrent for those who might otherwise be tempted to vandalize school buses.

Response:

Some may argue that the bill would do better to apply special penalties to the vandalism of any vehicle, where that vandalism would put a driver or rider at risk. An act that may physically harm people should be distinguished from an act that harms only property.

Against:

Malicious destruction of property worth over \$100 is already a felony punishable by up to four years imprisonment and a fine of up to \$2,000. To enact separate penalties for malicious destruction of a school bus would be largely redundant and therefore unnecessary.

House Bill 4155 (2-2-95)

Response:

Malicious destruction of a school bus is an act that directly threatens the safety of children. It is an act that rightfully should be prosecuted and punished as a separate offense, without regard to the dollar value of the damage, and under maximum penalties higher than those applying to ordinary malicious destruction. Moreover, the House has before it legislation that would raise the misdemeanor/felony threshold for malicious destruction of personal property from its current \$100 to \$1,000. If this change occurs, there would be an even greater need to ensure that malicious destruction of school buses could be properly punished with stiff felony penalties.

Against:

The bill would only apply to someone who intentionally damaged or destroyed a school bus. Although the prosecution would not have to prove that any consequent endangerment was intentional, the bill would impose an unnecessary burden on the prosecution to have to prove that an offender acted intentionally to vandalize a school bus.

POSITIONS:

AAA Michigan supports the bill. (2-1-95)

The Michigan Education Association supported an identical bill last session. (2-15-94)

The Michigan Sheriffs Association supported an identical bill last session. (2-15-94)

The Prosecuting Attorneys Association of Michigan supports the bill with elimination of the requirement that intent to damage a school bus be proved. (2-1-95)