



**House  
Legislative  
Analysis  
Section**

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

## SCHOOL BUS DESTRUCTION

House Bill 4155 as enrolled  
Public Act 13 of 1995  
Second Analysis (6-8-95)

Sponsor: Rep. Allen Lowe  
House Committee: Judiciary and Civil  
Rights  
Senate Committee: Education

### ***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-Au Sable 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, a fine of up to \$5,000, or both, to intentionally damage or alter 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:***

According to the Senate Fiscal Agency, the bill would have an indeterminate fiscal impact on state and local government. The state could incur increased prison costs if judges increased sentences as allowed by the bill. (3-7-95)

### ***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

House Bill 4155 (6-8-95)

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.

***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 passed 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 altered 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.