



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 343 (Substitute S-1 as reported)
 Sponsor: Senator Henry E. Stallings, II
 Committee: Judiciary

Date Completed: 10-20-95

RATIONALE

Senior citizens are perhaps more vulnerable to violent criminal activity than are other age groups, and their victimization seems to garner more public sympathy and provoke greater public outrage. In addition, as the percentage of the population over 60 years old continues to increase, crime victimization among the elderly is likely to climb. Some people believe that, to provide more protection for seniors, those who commit violent felonies against senior citizens should be subject to enhanced penalties for their criminal actions as well as the possibility of being forced to serve consecutive prison sentences.

CONTENT

The bill would amend the Michigan Penal Code to prescribe penalties and permit consecutive sentencing for a person who committed or attempted to commit a "violent felony" in which the "victim" was a "senior citizen".

"Victim" would mean an individual who suffered direct or threatened physical, financial, or emotional harm as a result of the commission of a crime. "Senior citizen" would mean an individual who was at least 60 years old. "Violent felony" would mean any of the following:

- Burning a dwelling house or other real property (MCL 750.72 and 750.73).
- Various assault offenses (MCL 750.82, 750.83, 750.84, 750.86, 750.87, 750.88, and 750.89).
- Sexual intercourse under pretext of medical treatment (MCL 750.213).
- First- or second-degree murder; manslaughter; causing a death with explosives; or causing a death with a firearm pointed intentionally, but without

- malice (MCL 750.316, 750.317, 750.321, 750.327, 750.328, and 750.329).
- Kidnapping (MCL 750.349).
- Mayhem (MCL 750.397).
- Aggravated stalking (MCL 750.411i).
- First-, second-, or third-degree criminal sexual conduct (CSC) or assault with intent to commit CSC (MCL 750.520b, 750.520c, 750.520d, and 750.520g).
- Armed robbery, carjacking, or unarmed robbery (MCL 750.529, 750.529a, 750.530).

Under the bill, it would be a felony, punishable by up to three years' imprisonment, for a person to commit or attempt to commit a violent felony in which the victim was a senior citizen. If the violent felony were committed or attempted in the senior citizen-victim's home, the felony would be punishable by up to five years' imprisonment.

A person could be charged with and convicted of a violation of the bill in addition to any charge or conviction for the underlying violent felony or attempt to commit a violent felony. A term of imprisonment imposed under the bill could be served consecutively to and preceding any term of imprisonment imposed for the underlying offense. It would not be a defense to a conviction under the bill that the defendant did not know that the victim was a senior citizen.

Proposed MCL 750.411r

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would offer a greater degree of security to a group of citizens who may be more susceptible to violent crime than are most people. By providing for additional penalties of up to three years' imprisonment for a violent felony against a senior citizen, and up to five years' imprisonment if the violent felony occurred in the senior's home, and allowing for consecutive sentencing, the bill could serve as a deterrent to offenders who commit those types of crimes. Michigan's elderly population, then, would be better protected, and those who perpetrated violent offenses against seniors would endure harsher punishment than is currently provided for in law.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

To the extent that the proposed penalty provisions would increase the average prison sentence length for convicted offenders, costs for the Department

of Corrections would increase. In order to determine the actual impact of the bill, annual victimization rates of senior citizens are needed. While Michigan data are not readily available, there are national statistics regarding victimization rates by type of crime and age of victims. Although not as extensive, many of the crimes listed below under crimes of violence are assumed to be included in the definition of violent crime in the bill. The data are summarized in the table below.

As the data indicate, the victimization rates against senior citizens, relative to all other age groups, are rather low. Given that there were approximately 4,100 prison admissions in 1994 in Michigan for violent crimes, and assuming that the national data for victimization remained constant for Michigan prison admissions, it is estimated that 2.1% or 86 of those convictions were for crimes against seniors. If one assumed that judges would impose an additional three-year sentence for each of the offenders, costs would increase each year, and maximize by the third year, when annual operating costs for the Department could increase by approximately \$3.8 million.

Victimization Rates for Persons 12 and Over By Type of Crime and Age of Victims							
Type of crime	Rate per 1,000 in each age group						
	12-15	16-19	20-24	25-34	35-49	50-64	65 & over
All Personal Crimes	171.0	172.7	177.0	111.1	75.1	43.3	21.1
<u>Crimes of Violence</u>	75.7	77.9	70.1	37.6	21.2	10.0	4.8
Rape	1.1*	1.6*	2.6	0.5*	0.4*	0.1*	0.2*
Robbery	9.8	15.4	11.4	7.7	3.8	2.8	1.5
Assault	64.8	60.9	56.0	29.4	17.1	7.1	3.1
<u>Crimes of Theft</u>	95.3	94.8	106.9	73.4	53.9	33.3	16.3
Larceny with contact	4.0	3.5	3.6	2.3	1.8	1.9	2.0
Larceny without contact	91.3	91.3	103.3	71.2	52.1	31.4	14.3
Michigan population in each age group	518,801	570,039	706,575	1,574,684	1,892,286	1,224,162	1,105,101
Est. Number of violent crime victimizations	39,273	44,406	49,531	59,208	40,116	12,242	5,304
Percent of Total	15.70%	17.76%	19.81%	23.68%	16.04%	4.90%	2.12%

* Estimate is based on 10 or fewer sample cases

Note: These data are national rates that have been applied to Michigan population age groups.

Source: Bureau of Justice Statistics, *Criminal Victimization in the United States*

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.