



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

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 burning a dwelling house or other real property; various specified assault offenses; sexual intercourse under pretext of medical treatment; extortion; first- or second-degree murder; manslaughter; causing a death with explosives; causing a death with a firearm pointed intentionally, but without malice; kidnapping; mayhem; aggravated stalking; first-, second-, or third-degree criminal sexual conduct (CSC); assault with intent to commit CSC; or armed robbery, car jacking, or unarmed robbery.

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 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

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
Crimes of Violence	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
Crimes of Theft	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*

Date Completed: 10-19-95

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.