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BILL



ANALYSIS

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Senate Bill 343

Sponsor: Senator Henry E. Stallings, II

Committee: Judiciary

Date Completed: 9-26-95

SUMMARY OF SENATE BILL 343 as introduced 2-28-95:

The bill would create the “Rosa Parks Senior Citizen Violent Crime Protection Act” within the Michigan Penal Code to provide for enhanced penalties and 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.

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 would have to be served consecutive 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 enhanced penalties and mandated consecutive sentencing 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 is needed. While Michigan data is not readily available, there are national statistics regarding victimization rates by type of crime and age of victims. Although the bill does not define “violent crime”, many of the crimes listed below under crimes of violence are assumed to be included in the definition of violent crime. The data is summarized in the table below.

As the data indicate, the victimization rates against senior citizens, relative to all other age groups, is 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 each of the offenders received an additional three-year sentence, 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%

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

* Estimate is based on 10 or fewer sample cases

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.