



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4155 (Substitute S-1 as reported)
 Sponsor: Representative Allen Lowe
 House Committee: Judiciary and Civil Rights
 Senate Committee: Education

Date Completed: 3-8-95

RATIONALE

Under the Michigan Penal Code, malicious destruction of personal property is a felony, punishable by imprisonment for up to four years and/or a maximum fine of \$2,000, if the damage exceeds \$100. If the damage is \$100 or less, the offense is a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$100. Some people believe that these penalties are not adequate when the property involved is a school bus. Reportedly, in a 1993 incident in the Crawford AuSable School District, vandals cut brake lines and flattened tires on several school buses, causing \$2,500 worth of damage and closing school for a day. One 18-year-old and one 17-year-old apparently were charged with and pleaded guilty to malicious destruction of property over \$100; they reportedly were fined, placed on probation, expelled from school, and assigned community service. Because damage to school buses may pose a serious danger to the children who ride them, some people have suggested the creation of special penalties for school bus vandalism that endangers others. These penalties are considered particularly necessary in view of proposed legislation that would increase the felony threshold for malicious destruction to \$1,000 (House Bill 4197).

CONTENT

House Bill 4155 (S-1) would amend the Michigan Penal Code to specify that a person would be guilty of a felony punishable by imprisonment for up to five years and/or a fine of up to \$5,000 for intentionally damaging, destroying, or altering a school bus without the permission of the entity that owned the bus if that damage, destruction, or alteration created a health or safety hazard to any individual who was occupying or could occupy that

school bus. The bill would take effect August 1, 1995.

"School bus" would mean the term as defined in the Michigan Vehicle Code and would include a school transportation vehicle, as defined in the Vehicle Code, if that vehicle were clearly marked as a school transportation vehicle.

Proposed MCL 750.377c

SENATE COMMITTEE ACTION

The Senate Education Committee adopted a substitute (S-1) that would extend the proposed penalty to altering, as well as damaging or destroying, a school bus.

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

While youthful acts of violence against school property are not uncommon, criminal acts that jeopardize the safety of children 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 is ordinary vandalism. The bill would enable courts to impose proper punishment on the worst offenders. Regardless of the dollar amount of the property destruction, there is a qualitative difference between spray-painting the side of a bus and cutting the brake lines. It is possible to do less than \$100 worth of damage to a school bus and endanger the lives of passengers (e.g., by taking off lug nuts); under

current law, however, a prosecutor could charge the offender only with a misdemeanor. Moreover, if House Bill 4197 is enacted, the property destruction must amount to at least \$1,000 before a felony may be charged. By creating special penalties for school bus vandalism, House Bill 4155 (S-1) not only would allow courts to punish offenders appropriately, but also could deter those who might otherwise be tempted to vandalize school buses.

Response: Some people believe that the bill would be more effective if prosecutors did not have to prove that an offender acted intentionally to vandalize a school bus. Although prosecutors would not have to prove that a defendant intended the *consequences* of his or her actions, they still would have to prove that a defendant intended to do what he or she did.

Legislative Analyst: S. Margules

FISCAL IMPACT

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

Under current law, a person convicted of damaging a school bus can be charged with a felony with a maximum penalty of four years if the damage is more than \$100. The bill would increase that to up to five years regardless of the amount of damage. The State could incur increased costs if judges increased sentence lengths for school bus vandalism because of the new law. Reportedly, however, youths convicted of such a crime in Crawford County received a fine, probation, and community service. The increased penalties in the bill in that case would not have resulted in increased costs.

Fiscal Analyst: M. Hansen

H9596\S4155A

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.