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SFA



BILL ANALYSIS

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Senate Bill 694 (Substitute S-1 as reported)

Sponsor: Senator Jon Cisky

Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to revise the penalties for attempted crimes, when no other punishment is specified. The bill also would permit a court to order the payment of any costs, restitution, or reimbursement authorized for the crime attempted. The bill would take effect 90 days after its enactment.

The following table lists the maximum penalties under current law and under the bill for an attempted crime (which are based upon the penalty prescribed for the crime that is attempted), when no punishment is otherwise provided.

<u>Current Law</u>		<u>Senate Bill 694 (S-1)</u>	
Crime Attempted	Attempt	Crime Attempted	Attempt
Death	Felony - 10 years in prison	Life imprisonment	Felony - 15 years in prison and/or fine for crime attempted
Life or 5 years or more	Felony - 5 years in State prison, or 1 year in county jail	5 years or more	Felony - ½ term for crime attempted and/or fine for crime attempted
Under 5 years in prison; or imprisonment in co. jail; or fine	Misdemeanor - 2 years in State prison, or 1 year in county jail, or \$1,000 fine	Under 5 years	Misdemeanor - ½ term for crime attempted and/or fine for crime attempted

MCL 750.92

Legislative Analyst: P. Affholter

FISCAL IMPACT

The fiscal impact of the bill on the cost of State and local government is indeterminate. Using 1996 data, more than half of the dispositions of attempts were for crimes with a maximum penalty of five years or more, and probation was the sentence most often given. Of the prison sentences imposed, the average minimum State prison sentence was 1.7 years, and the longest minimum penalty imposed was 10 years.

Assuming that the bill would give judges, in most cases, an enhanced penalty option for attempted crimes, the effect of the bill is indeterminate, as it is not possible to determine whether judges would change the disposition of attempted offenses given a change in the law.

Date Completed: 10-23-97

Fiscal Analyst: K. Firestone

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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.