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Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 694 (as introduced 9-24-97)  
Sponsor: Senator Jon Cisky  
Committee: Judiciary

Date Completed: 10-20-97

### **CONTENT**

**The bill would amend the Michigan Penal Code to revise the penalties for attempted crimes, when no other punishment is specified.**

Currently, when a person attempts to commit an offense prohibited by law, doing any act toward the commission of the offense, but fails in the perpetration or is intercepted or prevented in the execution of the offense, and no punishment is otherwise expressly provided, the attempt is punishable as follows:

- If the offense attempted is punishable with death, the attempt is a felony punishable by up to 10 years' imprisonment.
- If the offense attempted is punishable by imprisonment for life, or for five years or more, the attempt is a felony punishable by up to five years' imprisonment in State prison or up to one year's imprisonment in county jail.
- If the offense attempted is punishable by less than five years' imprisonment in State prison, or by imprisonment in county jail or a fine, the attempt is a misdemeanor punishable by up to two years' imprisonment in State prison, up to one year's imprisonment in county jail, or a maximum fine of \$1,000. Imprisonment may not exceed one-half of the greatest punishment for the offense attempted.

The bill provides, instead, that a person who did any act to commit a crime, but failed to complete the crime or was intercepted or prevented from completing the crime, would have to be punished as follows, if no specific punishment were otherwise provided:

- If the crime attempted were punishable by imprisonment for life, the attempt would be a felony punishable by up to 15 years' imprisonment, the fine authorized for the crime attempted, or both.
- If the crime attempted were punishable by imprisonment for five years or more, the attempt would be a felony punishable by imprisonment for not more than one-half of the term of imprisonment authorized for the crime attempted, the fine authorized for the crime attempted, or both.
- If the crime attempted were punishable by less than five years' imprisonment, the attempt would be a misdemeanor punishable by imprisonment for not more than one-half of the term of imprisonment authorized for the crime attempted, the fine authorized for the crime attempted, or both.

MCL 750.92

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The fiscal impact of Senate Bill 694 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.

Maximum Penalty of Offense	Disposition of Attempts in 1996				
	Total	Prison	Probation	Jail	Other
Life	43	28	15	0	0
5 or more years	3,980	600	2,781	432	167
Less than 5 years	2,661	145	2,061	377	78
Total	6,684	773	4,857	809	245

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.