

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 785 (Substitute S-3 as reported)
Sponsor: Senator George Z. Hart
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to specify that a violation of Senate Bill 1091, which would prohibit the use of the Internet to facilitate certain crimes, would be a felony. A first offense would be punishable by up to two years' imprisonment, a maximum fine of \$2,000, or both. A second or subsequent offense would be punishable by up to five years' imprisonment, a maximum fine of \$5,000, or both. A term of imprisonment for a violation of Senate Bill 1091 could be served consecutively to and preceding any term of imprisonment imposed for the underlying offense.

The bill specifies that neither it nor Senate Bill 1091 would prohibit a person from being charged with, convicted of, or punished for any other violation of law committed while violating Senate Bill 1091, including the underlying offense. The bills would apply regardless of whether the person was convicted of committing, attempting, conspiring to commit, or soliciting another to commit an underlying offense.

The bill is tie-barred to Senate Bill 1091 and would take effect on September 1, 1998.

Proposed MCL 750.145e

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 785 (S-3) and 1091 (S-3) would result in indeterminate, yet potential additional costs for State and local government.

In 1996, 2,386 criminal dispositions involved sections of the Penal Code involving child abusive commercial activity, kidnapping, stalking, or criminal sexual conduct. About half of these offenders were sentenced to prison and half received jail, probation, or other sanctions. It is unknown how many of the victims were minors or how many offenders used the Internet to facilitate the crime. Additionally, in 1996, three criminal dispositions involved the Penal Code section dealing with soliciting a minor to commit a crime. It appears that no criminal dispositions involved sections dealing with child kidnapping and enticement.

Given that the average annual cost of incarcerating a prisoner is about \$18,000, and that under current law, an offender with a two-year maximum sentence would spend about 16 months in prison, the added penalty under the proposed legislation would increase the cost of a prison term by about \$24,000. The penalty for a second or subsequent offense would increase a prison term by about 40 months, for an additional cost of \$60,000. Although there is no way of knowing how many of the 1996 criminal dispositions involved minors and Internet facilitation, if one assumed that 5% of the 1996 criminal dispositions with prison terms involved minors, the Internet, and nonconcurrent sentences, and that half were second or subsequent offenses, prison term costs could increase by \$2,310,000 in the long run.

Date Completed: 5-6-98

Fiscal Analyst: K. Firestone