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SFA



BILL ANALYSIS

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House Bill 5291 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Barb Vander Veen
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the sentencing guidelines provisions of the Code of Criminal Procedure to revise offense variable 5; require a sentencing court to score offense variable 5 for all "violent crimes" (instead of only for homicide, attempted homicide, conspiracy or solicitation to commit homicide, or assault with intent to commit murder); and revise the application of sentencing guidelines points under that offense variable. Currently, offense variable 5 is psychological injury to a member of a victim's family. Under the bill, it would be psychological injury to a member of a violent crime victim's family or a child. . "Violent crime" would mean a homicide or a crime against a person in which physical force or violence was used or threatened, including an attempt, conspiracy, or solicitation to commit such a crime.

Currently, a sentencing court is required to score 15 points if serious psychological injury requiring professional treatment occurred to a victim's family; or 0 points if no such injury occurred. Under the bill, instead, would require the variable to be scored as shown below.

Serious psychological injury that required or could require professional treatment occurred to a violent crime victim's family or to a child, if the injury to the child resulted from the child witnessing a violent crime	15 points
A child witnessed a violent crime	10 points
A child observed the physical results of a violent crime against a family member	5 points
None of the above descriptions applied	0 points

The bill also would include dating relationships in several provisions of the Code relating to domestic violence situations.

MCL 777.1 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. To the extent that the court would have to score offense variable 5 for all violent crimes rather than only those currently specified, the bill could increase the length of sentences violent offenders receive and therefore increase State and local criminal justice costs. To the extent that the bill would revise the descriptions and point values under offense variable 5, it would have an indeterminate impact on State and local criminal justice costs. The proposed revisions could change the length of sentences that offenders receive, but there are no data to indicate whether an overall positive or negative impact on sentence length would result.

The bill would increase State and local criminal justice costs to the extent that adding dating relationships to the applicable sections would potentially increase the number of warrants issued, arrests, and offenders convicted for domestic violence offenses.

Date Completed: 12-10-02

Fiscal Analyst: Bethany Wicksall