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BILL



ANALYSIS

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House Bill 4486 (Substitute H-2 as reported without amendment)

House Bill 4487 (Substitute H-2 as reported without amendment)

Sponsor: Representative Peter J. Lucido

House Committee: Law and Justice

Senate Committee: Judiciary

CONTENT

House Bill 4486 (H-2) would amend the Michigan Penal Code to prescribe enhanced penalties for an individual convicted of third- or fourth-degree child abuse following a prior conviction.

Currently, third-degree child abuse is a felony punishable by up to two years' imprisonment. Under the bill, the maximum term would be two years for a first offense, and five years for an offense following a prior conviction.

Fourth-degree child abuse currently is a misdemeanor punishable by imprisonment for up to one year. The bill would retain that penalty for a first offense. An offense following a prior conviction would be a felony punishable by imprisonment for up to two years.

"Prior conviction" would include a conviction of first-, second-, third-, or fourth-degree child abuse.

House Bill 4487 (H-2) would amend the sentencing guidelines in the Code of Criminal Procedure to establish designations for third- and fourth-degree child abuse with a prior conviction.

MCL 750.136b (H.B. 4486)
777.16g (H.B. 4487)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

House Bill 4486 (H-2) could have a negative fiscal impact on the State and local government. More felony arrests and convictions could increase demands on court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

House Bill 4487 (H-2) would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Date Completed: 3-2-18

Fiscal Analyst: John Maxwell

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Bill Analysis @ www.senate.michigan.gov/sfa

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