SFA BILL ANALYSIS

Senate Fiscal Agency   •   Lansing, Michigan 48909   •   (517) 373-5383

Senate Bill 919
Sponsor: Senator Jack Welborn
Committee: Judiciary

Date Completed: 5-23-90

SUMMARY OF SENATE BILL 919 as introduced 4-5-90:

The bill would amend the Michigan Penal Code to specify that a murder committed in the course of first degree child abuse, or attempted first degree child abuse, would constitute murder of the first degree, which requires imprisonment for life. The Code currently provides that a murder is first-degree murder if it is committed by poison, lying in wait, or other deliberate premeditation, or during the course of committing, or attempting to commit, arson, first- or third-degree criminal sexual conduct, breaking and entering, robbery, extortion, larceny, or kidnapping. (First degree child abuse is the knowing or intentional causing of "serious physical or serious mental harm to a child" and is a felony, punishable by up to 15 years' imprisonment.)

MCL 750.316   Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government in FY 1989-90 or FY 1990-91. The Department of Corrections reports that at this time detailed data regarding crime victims, and in particular the number of children murdered during the commitment of first degree child abuse, are not available. Currently, if a child is murdered during the commitment of first degree child abuse, the prosecutor charges the offender based on the facts of the case, and the offender, for example, could be charged with first degree murder, second degree murder, or manslaughter.

The State would not incur increased expenditures until such time as the prisoner's sentence under current sentencing practices was about to end and the first degree murder provisions took effect.

Fiscal Analyst: B. Burghardt

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