

ARMED ROBBERY

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Senate Bill 533 as reported from House committee

Sponsor: Sen. Peter J. Lucido

House Committee: Judiciary

Senate Committee: Judiciary and Public Safety

Complete to 12-7-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 533 would amend the Michigan Penal Code to change one of the elements of the crime of armed robbery to a “reasonable person” standard.

Currently, an act of larceny of money or property by force or violence becomes armed robbery if the person possesses a dangerous weapon, represents orally or otherwise that he or she possesses a dangerous weapon, or possesses an article used or fashioned in a manner *to lead any person present to reasonably believe* the article is a dangerous weapon.

The bill would revise the italicized text to instead specify possessing an article used or fashioned in a manner *that would cause a reasonable person to believe* the article is a dangerous weapon.

“Reasonable person” is a well-established standard used in both criminal and civil actions. Generally speaking, it refers to a hypothetical person whose care, reason, conduct, and so on is used as an objective standard by which to compare the actions of another person to determine something—for example, whether a defendant, compared to a “reasonable person,” acted negligently, or whether a victim, compared to a “reasonable person,” would feel fear.

The bill would not change the penalty for armed robbery, which is a felony punishable by life or any term of imprisonment, with a mandatory two-year minimum sentence.

MCL 750.529

FISCAL IMPACT:

Senate Bill 533 would have an indeterminate fiscal impact on the state and on local units of government. Revising the elements that constitute armed robbery could lead to an increase in the number of felony convictions. The number of convictions that would result under provisions of the bill is not known. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2019, the average cost of prison incarceration in a state facility was roughly \$39,400 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,800 per supervised offender in the same year. Those costs are financed with state general fund/general purpose

revenue. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

POSITIONS:

The Department of State Police indicated support for the bill. (9-15-20)

The Prosecuting Attorneys Association of Michigan indicated support for the bill. (9-15-20)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.