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## ENHANCED SENTENCES FOR SCHOOL VIOLENCE

**House Bill 5703**  
**Sponsor: Rep. Mark Schauer**  
**Committee: Judiciary**

**Complete to 3-23-98**

### **A SUMMARY OF HOUSE BILL 5703 AS INTRODUCED 3-17-98**

The bill would add new sections to the Code of Criminal Procedure that would allow the prosecuting attorney to seek an enhanced sentence for an individual convicted of a misdemeanor that occurred on school property against a teacher, administrator, employee, volunteer or student of that school. The enhanced sentence would double the maximum allowable imprisonment or fine, or both, for the misdemeanor.

A prosecuting attorney could seek to enhance a defendant's sentence by filing a notice of intent to do so within 21 days after a defendant's arraignment, or after a defendant had been convicted of an offense or lesser offense, upon his or her plea of guilty or nolo contendere. If the prosecuting attorney filed a notice of intent to seek sentence enhancement within 21 days of the defendant's arraignment, the defendant would have an opportunity to withdraw his or her pleas before sentencing. The court would determine by a preponderance of the evidence and without a jury whether the crime occurred on school property against a teacher, administrator, employee, volunteer, or student of the school. The basis for enhancement could be established by any relevant evidence, including a transcript of the trial, a prior trial, or a plea-taking or sentencing procedure; information contained in a presentencing report; or a statement of the defendant.

The bill would not take effect unless Senate Bill 755 also were enacted.

MCL 769.15c and 769.15e

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