
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 342 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Senator Art Miller, Jr.

Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to provide for increased penalties for stalking and aggravated stalking if the victim were less than 18 years of age at any time during the offender's course of conduct and the stalker were two or more years older than the victim. Stalking is a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$1,000, or both. Under the bill, if the victim were less than 18 at any time during the defendant's course of conduct and the stalker were two or more years older than the victim, the offense would be a felony punishable by up to five years' imprisonment, a maximum fine of \$10,000, or both. Aggravated stalking is a felony punishable by up to five years' imprisonment, a maximum fine of \$10,000, or both. Under the bill, if the victim were less than 18 at any time during the defendant's course of conduct and the stalker were two or more years older than the victim, the offense would be punishable by up to 20 years' imprisonment, a maximum fine of \$20,000, or both. The bill would take effect 90 days after its enactment.

MCL 750.411h & 750.411i

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. According to circuit court disposition data, in 1995, there were 161 convictions for aggravated stalking, 35 receiving a prison sentence, with an average minimum sentence of about two years. There were also four convictions for stalking in circuit court, each receiving a sentence of either probation or jail. There are no data currently available, however, that provide the age of the victim in those convictions.

If one assumed that 10 of the 161 convictions for aggravated stalking in 1995 involved victims under the age of 18, where the offender was two or more years older than the victim, and that this number would continue in the future, and that judges would impose the new maximum penalties allowed under the bill at or near 40% of the allowable maximum (40% of 20, or 8 years), then annual costs of incarceration associated with the increased penalties could approach \$900,000 (10 annual commitments x 6 additional years of incarceration x \$15,000 per year).

Given that the current stalking offense is a misdemeanor, most of the convictions are processed through district court. It is difficult to predict what effect raising the offense to a felony would have for cases in which the victim was under 18 years of age and the offender was at least two years older than the victim. If the enhanced penalty resulted in an increase in annual prison commitments of 10 offenders, each receiving a two-year sentence, annual costs for the Department of Corrections could increase by approximately \$300,000.

Date Completed: 4-29-97

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.