

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 257 (Substitute S-1 as reported)  
Sponsor: Senator William Van Regenmorter  
Committee: Judiciary

### **CONTENT**

The bill would amend the Code of Criminal Procedure to specify that a person could be charged with and convicted of the following offenses for each death arising out of the same criminal transaction, and to allow the sentencing court to order the terms of imprisonment for multiple deaths in those offenses to be served consecutively:

- First-degree fleeing and eluding (a fleeing and eluding violation that results in death).
- Leaving the scene of an accident when the driver knows or has reason to believe that he or she has been involved in an accident resulting in serious or aggravated injury or death.
- Causing a death by operating a vehicle, boat, off-road vehicle (ORV), or snowmobile while under the influence of, or while visibly impaired due to the consumption of, liquor and/or a controlled substance.
- Causing a death by operating a vehicle without a driver's license or with a suspended or revoked license.
- Second-degree murder or manslaughter, if death resulted from the operation of a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive.
- Causing a death by operating or acting as a crew member of an aircraft while under the influence of liquor and/or a controlled substance; with an unlawful blood alcohol content (BAC); or within eight hours after the consumption of an intoxicating liquor or a controlled substance or of any drug or combination of drugs that renders a person incapable of safely operating or acting as a crew member of an aircraft.
- Operating a locomotive engine while under the influence of liquor and/or a controlled substance or with a BAC of .10% or more by weight of alcohol, resulting in death.

The bill would take effect on July 1, 2001.

Proposed MCL 769.36

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

Table 1 shows the 1998 convictions for various offenses cited in this bill. There are no data available to indicate how many deaths were involved in each conviction. Also, the data do not describe the circumstances of the crime, which would indicate whether it would be subject to the bill. For example, there is no indication of whether a second-degree murder or manslaughter conviction resulted from the use of a motor vehicle. According to the data available on convictions under the other offenses referred to in this bill, there were no convictions.

Table 1

1998 Convictions		
Offense	Convictions	Prison Sentence
First-degree fleeing and eluding	4	3
Leaving the scene of a serious accident	45	15
Driving intoxicated causing death	44	28
Second-degree murder or manslaughter	290	268
Operating a snowmobile intoxicated causing death	1	1
Source: 1998 Department of Corrections Statistical Report		

Table 2 shows the corresponding sentencing guideline minimum sentence range for each of the offenses for which there was a conviction in 1998. Assuming that 23 offenders a year would be sentenced to prison for leaving the scene of a serious accident, 23 for driving intoxicated causing death, and 134 for manslaughter involving a motor vehicle, that they would receive the longest allowable minimum sentence for these crimes and serve them consecutively, and that each offense resulted in the death of two people, given that the average annual cost of incarceration is \$22,000, the total cost of incarceration for those offenders would be \$68.8 million, rather than \$34.4 million if the terms for each conviction were not consecutive.

Table 2

Sentencing Guidelines		
Offense	Sentencing Guideline Minimum (Months)	
	Low Range	High Range
First-degree fleeing and eluding	0-11	62-114
Leaving the scene of a serious accident	0-3	24-38
Driving intoxicated causing death	0-11	62-114
Second-degree murder	90-150	365-600 or life
Manslaughter	0-11	62-114
Operating a snowmobile intoxicated causing death	0-11	62-114

Date Completed: 3-26-01

Fiscal Analyst: K. Firestone

Floor\sb257

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.