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SFA**BILL ANALYSIS**

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Senate Bill 257 (as introduced 2-22-01)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

Date Completed: 3-19-01

CONTENT

The bill would amend the Code of Criminal Procedure to allow a sentencing court to order consecutive terms of imprisonment for each death resulting in separate convictions for any of the following offenses:

- First-degree fleeing and eluding (a fleeing and eluding violation that results in death) (MCL 257.602a(5) or 750.479a(5)).
- 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 (MCL 257.617).
- Causing a death by operating a vehicle while under the influence of, or while visibly impaired due to the consumption of, liquor and/or a controlled substance (MCL 257.625(4)).
- Causing a death by operating a vehicle without a driver's license or with a suspended or revoked license (MCL 257.904(4)).
- Second-degree murder or manslaughter, if death resulted from the operation of a motor vehicle (MCL 750.317 or 750.321).
- Causing a death by operating a boat, off-road vehicle, or snowmobile while under the influence of liquor and/or a controlled substance (MCL 324.80176(4), 324.81134(7), or 324.82127(4)).
- 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 a blood alcohol content (BAC) of .02 gram or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine; 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 (MCL 259.185(4)).
- 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 (MCL 462.353).

Specifically, the bill provides that a court could order the terms of imprisonment imposed for each death resulting in separate convictions arising out of the same criminal transaction under any of the sections of law cited above, to be served consecutively to each other.

Proposed MCL 769.36

Legislative Analyst: P. Affholter

FISCAL IMPACT

Table 1 shows the 1998 convictions for various sections 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 sections 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

Fiscal Analyst: K. Firestone

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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.