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**SFA**

BILL ANALYSIS

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Senate Bills 1038 through 1049 (as introduced 1-30-02)  
Sponsor: Senator Christopher D. Dingell  
Committee: Government Operations

Date Completed: 2-1-02

## **CONTENT**

**Senate Bills 1038, 1039, 1040, 1042, 1044, 1046, and 1048 would repeal sections of the Michigan Penal Code that pertain to offenses involving railroads, railroad tickets, or railroad stock or bonds. Senate Bills 1041, 1043, 1045, 1047, and 1049 would amend the Code of Criminal Procedure to delete sentencing guidelines corresponding to the offenses that would be repealed by the other bills.**

Senate Bill 1038 would repeal Section 517 of the Penal Code, which makes it a felony, punishable by imprisonment for life or any term of years, to enter upon a railroad train, passenger car, mail car, or express car, with intent to rob the train, car, passengers, or employees, by means of intimidation or by threat of life to the passengers or employees.

Senate Bill 1039 would repeal Section 516 of the Penal Code, which makes it a felony, punishable by imprisonment for life or any term of years, to stop a railroad train, detach one part of a train from another, or compel an engineer or fireman to run a train contrary to his or her general order, for the purpose of wrecking or robbing the train or its passengers or employees, with intimidation or threat of life with firearms, dynamite, or other dangerous devices.

Senate Bill 1040 would repeal Section 514 of the Penal Code, which makes it a felony, punishable by imprisonment for up to 10 years or a maximum fine of \$5,000, to seize a locomotive that has an attached express or mail car, and run away with it upon a railroad.

Senate Bill 1041 would delete provisions of the Code of Criminal Procedure under which a violation of Section 514 of the Penal Code is a class H property offense subject to a statutory maximum sentence of 10 years, and a violation of Section 516 or 517 is a class C offense against a person subject to a maximum sentence of life imprisonment. The bill is tie-barred to Senate Bills 1038-1040.

Senate Bill 1042 would repeal Section 513 of the Penal Code, which makes it a felony, punishable by imprisonment for up to 10 years or a maximum fine of \$5,000, to make or issue any unauthorized or fraudulent certificate of stock, bond, or obligation of a railroad company. Senate Bill 1043 would delete a provision of the Code of Criminal Procedure under which a violation of Section 513 is a Class H property offense subject to a 10-year statutory maximum. The bill is tie-barred to Senate Bill 1042.

Senate Bill 1044 would repeal Section 179 of the Penal Code, which makes it a felony for an officer, agent, or employee of a railroad company to embezzle, dispose of, or convert to his or her own use any railroad passenger ticket, or to use tickets that previously had been used. Senate Bill 1045 would delete a provision of the Code of Criminal Procedure under which a violation of Section 179 is a Class G property offense subject to a statutory maximum of four years' imprisonment. The bill is tie-barred to Senate Bill 1044.

Senate Bill 1046 would repeal Section 366 of the Penal Code, which makes larceny of railroad passenger tickets a felony. Senate Bill 1047 would delete a provision of the Code of Criminal Procedure under which a violation of Section 366 is a class G property offense subject to a four-year maximum sentence. The bill is tie-barred to Senate Bill 1046.

Senate Bill 1048 would repeal Section 266 of the Penal Code, which makes it a felony to forge, counterfeit, or alter a railroad passenger ticket, with the intent to injure or defraud, or to sell a forged, altered, or counterfeit railroad passenger ticket. Senate Bill 1049 would repeal a provision of the Code of Criminal Procedure under which a violation of Section 266 is a class G property offense subject to a statutory maximum sentence of four years. The bill is tie-barred to Senate Bill 1048.

MCL 750.517 (S.B. 1038)  
750.516 (S.B. 1039)  
750.514 (S.B. 1040)  
777.16x (S.B. 1041)  
750.513 (S.B. 1042)  
777.16x (S.B. 1043)  
750.179 (S.B. 1044)  
777.16i (S.B. 1045)  
750.366 (S.B. 1046)  
777.16r (S.B. 1047)  
750.266 (S.B. 1048)  
777.16n (S.B. 1049)

Legislative Analyst: S. Lowe

### **FISCAL IMPACT**

According to the Department of Corrections Statistical Report, in 1999, there were no convictions for or felons serving for these crimes dealing with railroad detention or robbery; railroad passenger ticket embezzlement, forgery, or larceny; or issuing fraudulent railroad securities. Assuming that past years are representative of the future, Senate Bills 1038-1049 would have no fiscal impact on State or local government.

Fiscal Analyst: B. Wicksall