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BILL ANALYSIS



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Senate Bill 129 (as introduced 2-1-05)
Sponsor: Senator Alan Sanborn
Committee: Judiciary

Date Completed: 6-20-05

CONTENT

The bill would amend Chapter XI (Probation) of the Code of Criminal Procedure to allow a sentencing court to do both of the following:

- Place a person on probation for a minimum of five years if he or she were convicted of certain child sexual assault crimes or kidnapping.**
- Prohibit a person placed on probation under the bill from living within one mile of a school or entering upon school property.**

Specifically, the bill would allow the court to place an individual convicted of any of the following violations on probation for any term of years, but not less than five years:

- Sodomy, if the victim were less than 18 years of age (MCL 750.158).
- Indecent exposure, if the victim were under 18 (MCL 750.335a).
- Kidnapping a child under 14 (MCL 750.350).
- First-, second-, third-, or fourth-degree criminal sexual conduct (CSC), or assault with intent to commit CSC, if the victim were under 18 (MCL 750.520b-750.520e & 750.520g).
- Violation of a Federal law, law of another state, or law of a political subdivision of this or another state that substantially corresponds to one of the violations listed above.

If an individual were placed on probation under the bill, the court also could order, as a condition of probation, that he or she not reside in housing that was located within one mile of a school or enter upon school property.

"School" would mean a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from first through 12th. "School property" would mean a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

The bill specifies that an individual placed on probation under it also would be subject to Section 3 of Chapter XI, which lists other conditions that must or may be a part of a sentence of probation (MCL 771.3).

Proposed MCL 771.2b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

To the extent that the bill could increase the average lengths of probation periods ordered, it would increase corrections costs. Local units of government incur the costs of misdemeanor probation, which vary by county. The State incurs the cost of felony probation at an average annual cost of \$2,000. By creating additional conditions of probation, the bill also could make it more difficult for an offender to complete a probationary period without violations, thereby potentially increasing contacts with the criminal justice system and increasing related costs.

Fiscal Analyst: Bethany Wicksall

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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.