



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 1404 (Substitute S-1 as reported)
Senate Bill 1405 (Substitute S-1 as reported)
Sponsor: Senator Mike Goschka
Committee: Judiciary

CONTENT

Senate Bill 1404 (S-1) would amend the Michigan Penal Code to include a search and rescue dog in current prohibitions against harming or harassing a police dog or police horse, and increase the maximum fines that apply to those offenses. The bill also would include search and rescue personnel in current prohibitions against harming, resisting, obstructing, opposing, or endangering certain emergency personnel in the line of duty.

“Search and rescue dog” would mean a dog that is trained for, being trained for, or engaged in a search and rescue operation. “Search and rescue operation” would mean an effort conducted at the direction of an agency of this State or of a political subdivision of this State to locate or rescue a lost, injured, or deceased individual.

The Penal Code prohibits and prescribes criminal penalties for certain actions against a police dog or police horse, as shown in Table 1.

Table 1
Prohibitions & Penalties

Violation	Level	Maximum Term & Fine
Intentionally killing or causing serious physical harm to a police dog or horse	Felony	5 years; \$2,500
Intentionally causing physical harm to, or intentionally harassing or interfering with, a police dog or horse	Misdemeanor	1 year; \$1,000
Intentionally causing physical harm to, or intentionally harassing or interfering with, a police dog or horse, while committing a crime	Felony	2 years; \$1,500

The bill would include a search and rescue dog in those prohibitions and increase the maximum fines shown above to \$10,000, \$5,000, and \$15,000, respectively.

The Penal Code also prescribes criminal penalties for an individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person whom the individual knows or has reason to know is performing his or her duties. The bill would include in the definition of “person” an individual engaged in a search and rescue operation. The term currently means any of the following:

-- A police officer of this State or of a political subdivision of this State, including a motor carrier officer or Capitol security officer of the Department of State Police.

- A police officer of a junior college, college, or university who is authorized to enforce State law and the rules and ordinances of that institution.
- A Department of Natural Resources or Department of Environmental Quality conservation officer.
- A U.S. Department of the Interior conservation officer.
- A sheriff or deputy sheriff.
- A constable.
- A peace officer of a duly authorized police agency of the United States, including an agent of the Secret Service or Department of Justice.
- A firefighter.
- Emergency medical service personnel.

Senate Bill 1405 (S-1) would amend the Code of Criminal Procedure to revise the sentencing guidelines by including a search and rescue dog in the guidelines descriptions for killing, injuring, or harassing a law enforcement animal, as shown in Table 2.

Table 2
Sentencing Guidelines

Violation	Class	Category	Statutory Max. Sentence
Killing or causing serious physical harm to law enforcement animal or search and rescue dog	E	Public Order	5 years
Harassing or causing harm to a law enforcement animal or search and rescue dog while committing a crime	H	Public Safety	2 years

MCL 750.50c & 750.81d (S.B. 1404)
777.16b (S.B. 1405)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the revised offenses. An offender convicted of the Class H offense under the bills would receive a sentencing guidelines minimum sentence range of 0-1 month to 5-17 months. An offender convicted of the Class E offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. To the extent that the bills would increase incarceration time, local governments would incur increased costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 9-21-06

Fiscal Analyst: Lindsay Hollander

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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.