

Legislative Analysis



1ST DEGREE MURDER: INCLUDE DISCHARGING FIREARM AT DWELLING

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House Bill 5145

Sponsor: Rep. Thomas F. Stallworth, III

Committee: Judiciary

Complete to 4-24-12

A SUMMARY OF HOUSE BILL 5145 AS INTRODUCED 11-3-11

The bill would amend the Michigan Penal Code (MCL 750.316) to include in the list of acts that constitute first degree murder, murder committed in the perpetration of intentionally discharging a firearm at a dwelling or an occupied structure under Section 234b. First degree murder carries a mandatory sentence of life imprisonment.

[Section 234b of the penal code makes it a felony, punishable by imprisonment for not more than four years and/or a fine of not more than \$2,000, to intentionally discharge a firearm at a facility that a person knows or has reason to believe is a dwelling or an occupied structure.]

FISCAL IMPACT:

The bill would provide that a person who commits a murder by intentionally discharging a firearm at a dwelling or an occupied structure is guilty of first-degree murder, which carries a mandatory sentence of life imprisonment in a state correctional facility. Under current law, this offense would fall under the definition of second-degree murder unless it met other separate criteria for the first-degree offense.

No information is available to determine how many new first-degree murder convictions would result from the new provisions of the bill. As background, for calendar year 2009 (the year for which published data is available), the average minimum sentence for a person convicted of second-degree murder was 22.8 years. As stated above, first-degree murder carries a mandatory life prison sentence. To the extent that the bill results in new first-degree murder convictions that would not otherwise have occurred, it would increase the duration of state minimum prison sentences for those convicted, and thus likely increase future state correctional costs. The average cost of prison incarceration in a state facility is roughly \$34,000 per prisoner per year, a figure that includes various fixed administrative and operational costs.

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