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BILL ANALYSIS



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Senate Bill 1209 (as introduced 7-18-12)
Sponsor: Senator Tom Casperson
Committee: Judiciary

Date Completed: 9-24-12

CONTENT

The bill would amend the Code of Criminal Procedure to include conduct directed at a law enforcement officer posing as a potential victim in the definition of "predatory conduct" for purposes of calculating a sentencing recommendation under the sentencing guidelines.

Calculating a sentencing guidelines recommendation includes the assignment of points for offense variables. Offense variable 10 is exploitation of a vulnerable victim, and 15 points must be assigned if predatory conduct was involved. "Predatory conduct" is defined as preoffense conduct directed at a victim for the primary purpose of victimization. The bill would include in that definition preoffense conduct directed at a law enforcement officer posing as a potential victim, for the primary purpose of victimization.

MCL 777.40

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

By codifying that "predatory conduct" involves behavior toward both victims and law enforcement officers posing as potential victims, the bill likely would result in the addition of 15 points to more perpetrators' offense variable score. Depending on the class and nature of the underlying offense, a 15-point increase could lengthen a sentence by a few months to several years for prison-bound offenders. A 15-point increase also could shift an offender up from an intermediate sanction cell to a straddle cell or from a straddle cell to a prison-bound cell within the given sentencing grid. Therefore, the bill has the potential to increase costs of incarceration and/or community supervision by an indeterminate amount.

Fiscal Analyst: Dan O'Connor

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