



Senate Fiscal Agency
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BILL ANALYSIS



Telephone: (517) 373-5383
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Senate Bill 917 (as reported without amendment)
Senate Bill 918 (as reported without amendment)
Senate Bill 919 (as reported without amendment)
Senate Bill 921 (Substitute S-1 as reported)
Senate Bill 922 (Substitute S-1 as reported)
Sponsor: Senator Peter MacGregor (S.B. 917)
 Senator Tom Casperson (S.B. 918)
 Senator Rick Jones (S.B. 919)
 Senator Darwin L. Booher (S.B. 921 and 922)
Committee: Transportation

CONTENT

Senate Bill 917 would amend the Unmanned Aircraft Systems Act to revise the list of people an individual would prohibit from interfering with through the operation of an unmanned aircraft system.

Senate Bill 918 would amend the Unmanned Aircraft Systems Act to create the Unmanned Aircraft Systems Joint Program Office within the Michigan Department of Transportation and to prescribe its duties.

Senate Bill 919 would amend the Unmanned Aircraft Systems Act to specify that, for the purposes of the penal law of Michigan, an unmanned aircraft system would be an extension of the individual who was operating it, and that, in a prosecution for a violation of a penal law of Michigan, it would not be a defense that a person used an unmanned aircraft system to carry out the violation.

Senate Bill 921 (S-1) would amend the Michigan Penal Code to prohibit a person from knowingly and intentionally using an unmanned aircraft in a manner that interfered with the operations of a key facility, correctional facility, or other law enforcement facility; to exclude commercial operators of an unmanned aircraft from this prohibition if the aircraft were operated in compliance with Federal Aviation Administration regulations, authorizations, and exemptions; and to prescribe a felony penalty for a person who violated the above prohibition.

Senate Bill 922 (S-1) would amend the Code of Criminal Procedure to include the felony proposed by Senate Bill 921 (S-1) in the sentencing guidelines.

Senate Bill 922 (S-1) is tie-barred to Senate Bill 921 (S-1).

MCL 259.321 (S.B. 917)
MCL 259.303 et al. (S.B. 918)
Proposed MCL 259.320 (S.B. 919)
Proposed MCL 750.45a (S.B. 921)
MCL 777.16b (S.B. 922)

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

Senate Bill 917 would have no fiscal impact on the State and an indeterminate fiscal impact on local government. A violation of Section 21, which the bill would amend, is a misdemeanor punishable by imprisonment for up to 90 days, a fine of up to \$500, or both. An increase in misdemeanor arrests and prosecutions could increase resource demands on law enforcement, court systems, and jails. Any increased fine revenue would be dedicated to public libraries.

Senate Bill 918 would have an indeterminate impact on the Department of Transportation, and to a lesser extent on the Departments of State Police, Natural Resources, Corrections, Agriculture and Rural Development, and Licensing and Regulatory Affairs. The bill would have no fiscal impact on local units of government.

The creation of the Unmanned Aerial Systems Joint Program Office was recommended in the final report (November 2017) of the Governor's Unmanned Aircraft Systems Task Force, along with 12 other recommendations. The Task Force recommended the creation of the office as a single point of contact for State agency use of unmanned aerial systems technology and also for inquiries from the general public. While the bill would do both of those things, it is not clear how much administrative support the office would require from the Department of Transportation, how big the office would be, if any new FTEs would be required, what expenses it would have, etc. The other named State Departments in the bill also would be required to provide support for the new office, but it is unclear what that would entail. For these reasons, the costs to the State for the office are indeterminate.

Senate Bill 919 could have a negative fiscal impact on the State and local government. It is not known whether the provisions of the bill would lead to more misdemeanor and felony convictions, but they would not lead to a reduction. More misdemeanor and felony convictions could increase resource demands on community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

Senate Bill 921 (S-1) could have a negative fiscal impact on the State and local government. More felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to the State is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

Senate Bill 922 (S-1) would have no fiscal impact on local government and an indeterminate fiscal impact on the State. According to the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law), the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Date Completed: 9-11-18

Fiscal Analyst: Abbey Frazier

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Bill Analysis @ www.senate.michigan.gov/sfa

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.