



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 533 (as enacted)
Sponsor: Senator Peter J. Lucido
Senate Committee: Judiciary and Public Safety
House Committee: Judiciary

PUBLIC ACT 313 of 2020

Date Completed: 3-23-21

CONTENT

The bill amends the Michigan Penal Code to modify the elements that constitute armed robbery to include a "reasonable person" standard.

The Penal Code specifies that a person who engages in conduct prescribed under Section 530 and who in the course of engaging in that conduct a) possesses a dangerous weapon, b) possesses an article used or fashioned in a manner to lead any person present to reasonably believe the article is a dangerous weapon, or c) represents orally or otherwise that he or she is in possession of a dangerous weapon, is guilty of felony punishable by imprisonment for life or any term of years.

Instead, under the bill, a person who engages in conduct prescribed under Section 530 and who in the course of engaging in that conduct does any of the following is guilty of armed robbery:

- Possesses a dangerous weapon.
- Possesses an article used or fashioned in a manner that would cause a *reasonable person* to believe the article is a dangerous weapon.
- Represents orally or otherwise that he or she possesses a dangerous weapon

The bill will take effect on March 29, 2021.

MCL 750.529

BACKGROUND

Section 530 of the Penal Code specifies that a person who, in the course of committing a larceny of any money or property that may be the subject of larceny, uses force or violence against any person who is present, or who assaults or puts the person in fear, is guilty of a felony punishable by up to 15 years' imprisonment. "In the course of committing a larceny" includes acts that occur in an attempt to commit the larceny or during commission of the larceny, or in flight or attempted flight after larceny was committed, or in an attempt to retain possession of the property.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill will have an indeterminate fiscal impact on the State and local government. New felony arrests and convictions may increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. However, it is unknown how many people would be prosecuted and convicted under the bill. The average cost to State government for felony probation supervision is approximately \$3,500 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$5,315 per prisoner per year. Any additional revenue from imposed fines will go to local libraries.

Fiscal Analyst: Joe Carrasco

SAS\S1920\s533es

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.