



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

BILL ANALYSIS



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

Senate Bills 921 and 922 (as introduced 3-21-18)
Sponsor: Senator Darwin L. Booher
Committee: Transportation

Date Completed: 9-5-18

CONTENT

Senate Bill 921 would amend the Michigan Penal Code to prohibit a person from knowingly using an unmanned aircraft in a manner that interfered with the operations of a key facility, and prescribe a felony penalty for a person who violated this provision.

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

Each bill would take effect 90 days after its enactment.

Senate Bill 922 is tie-barred to Senate Bill 921.

Senate Bill 921

The bill would prohibit a person from knowingly using an unmanned aircraft in a manner that interfered with the operations of a key facility. A person who violated this provision would be guilty of a felony punishable by imprisonment for up to four years or a maximum fine of \$2,500, or both.

"Key facility" would mean that term as defined in Section 552c of the Michigan Penal Code.

(Section 552c defines "key facility" as one or more of the following:

- A chemical manufacturing facility.
- A refinery.
- An electric utility facility, including a power plant, a power generation facility peaker, an electric transmission facility, an electric station or substation, or any other facility used to support the generation, transmission, or distribution of electricity.
- A water intake structure or water treatment facility.
- A natural gas utility facility, including an age station, odorization facility, main line valve, natural gas storage facility, or any other facility used to support the acquisition, transmission, distribution, or storage of natural gas.
- Gasoline, propane, liquid natural gas, or other fuel terminal or storage facility.
- A transportation facility, including a port, railroad switching yard, or trucking terminal.
- A pulp or paper manufacturing facility.
- A pharmaceutical manufacturing facility.
- A hazardous waste storage, treatment, or disposal facility.
- A telecommunication facility, including a central office or cellular telephone tower site.

-- A facility substantially similar to a facility, structure, or station listed above or a resource required to submit a risk management plan under Federal law.)

Senate Bill 922

Under the bill, using an unmanned aircraft in a manner that interfered with a key facility would be a Class F felony against public safety, with a statutory maximum sentence of four years' imprisonment.

Proposed MCL 750.45a (S.B. 921)
MCL 777.16b (S.B. 922)

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

Senate Bill 921

The bill 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

The bill 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.

Fiscal Analyst: Abbey Frazier

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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.