

Legislative Analysis



MESSIAH'S LAW

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5027 as introduced
Sponsor: Rep. Cynthia Neeley

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5028 as introduced
Sponsor: Rep. Graham Filler

House Bill 5029 as introduced
Sponsor: Rep. Mike Mueller

House Bill 5030 as introduced
Sponsor: Rep. Stephanie A. Young

Committee: Judiciary
Complete to 10-4-21

SUMMARY:

House Bill 5027 would amend the Michigan Penal Code to increase the penalties for intentionally firing a weapon at or in a building if a minor were physically injured or killed. House Bill 5030 would amend the Michigan Penal Code to make it a felony to intentionally discharge a firearm at an occupied motor vehicle and provide an enhanced penalty if a minor were in the vehicle. Each bill would be known as "Messiah's Law" upon enactment. House Bills 5028 and 5029 would each amend the Code of Criminal Procedure to place the maximum term of imprisonment for the crimes respectively added by HBs 5027 and 5030 in the sentencing guidelines and assign a felony class for those offenses.

Currently under the Michigan Penal Code, it is a felony offense for an individual to intentionally discharge a firearm *at* a dwelling or a potentially occupied structure, whether or not the building is occupied at the time. It also is a felony offense to intentionally discharge a firearm *in* a dwelling or potentially occupied structure, in reckless disregard for the safety of any individual, whether or not the building is occupied. Violation is punishable by imprisonment for up to 10 years or a fine of up to \$10,000, or both. In addition, enhanced penalties are provided if the offense results in physical injury to another person (up to 15 years' imprisonment or a fine of up to \$15,000, or both) or if it causes the serious impairment of a body function of another person (up to 20 years' imprisonment or a fine of up to \$25,000, or both). If a person inside the dwelling or structure dies as a result of the violation, the punishment is imprisonment for life or any term of years.

House Bill 5027 would increase the maximum penalties for intentionally discharging a firearm at or in a dwelling or potentially occupied structure if the offense results in the physical injury, serious impairment of a body function, or death of a minor as follows:

- Causing any physical injury to a minor: imprisonment for up to 30 years or a fine of up to \$30,000, or both.
- Causing the serious impairment of a body function of a minor: imprisonment for up to 40 years or a fine of up to \$50,000, or both.
- Causing the death of a minor: life without eligibility for parole.

MCL 750.243b

House Bill 5030 would add a new section to the Michigan Penal Code to provide that an individual who intentionally discharges a firearm at a motor vehicle that he or she knows or has reason to believe is occupied is guilty of a felony punishable by imprisonment for up to 10 years or a fine of up to \$10,000, or both. An individual who intentionally discharges a firearm at a motor vehicle that he or she knows or has reason to believe is occupied by a minor would be guilty of a felony punishable by imprisonment for up to 20 years or a fine of up to \$20,000, or both.

Proposed MCL 750.234g

House Bill 5028 would amend the sentencing guidelines provisions of the Code of Criminal Procedure to add the new felonies proposed by HB 5027 as follows:

- Discharging a firearm in or at a dwelling or potentially occupied structure causing physical injury to a minor would be a Class B felony against a person with a maximum term of imprisonment of 30 years.
- Discharging a firearm in or at a dwelling or potentially occupied structure causing serious impairment of a minor would be a Class B felony against a person with a maximum term of imprisonment of 40 years.

Note that an offense for which there is no judicial discretion, such as a mandatory sentence of life without parole, is not included in the sentencing guidelines.

House Bill 5028 is tie-barred to HB 5027, which means that it could not take effect unless HB 5028 were also enacted.

MCL 777.16m

House Bill 5029 would amend the same sentencing guidelines provisions of the Code of Criminal Procedure to add the new felonies proposed by HB 5030 as follows:

- Discharging a firearm at an occupied motor vehicle would be a Class D felony against a person with a maximum term of imprisonment of 10 years.
- Discharging a firearm at a motor vehicle occupied by a minor would be a Class B felony against a person with a maximum term of imprisonment of 20 years.

House Bill 5029 is tie-barred to HB 5030, which means that it could not take effect unless HB 5030 were also enacted.

MCL 777.16m

Other provisions

House Bills 5027 and 5030 each provide that they must be known and may be cited as “Messiah’s Law” (see **Background Information**).

Each bill would take effect 90 days after its enactment.

BACKGROUND INFORMATION:

“Messiah’s Law” is named after Messiah Williams, a three-year old who was killed when several men fired weapons into his Flint, Michigan, home on October 22, 2020.

FISCAL IMPACT:

House Bills 5027 and 5030 would each have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under the provisions of the bills is not known. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2020, the average cost of prison incarceration in a state facility was roughly \$42,200 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$4,300 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on local court systems would depend on how the provisions of the bill affected caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

House Bill 5028 is a companion bill to HB 5027 and amends sentencing guidelines to include as felonies discharging a firearm in or at a dwelling or potentially occupied structure causing physical injury to a minor and discharging a firearm in or at a dwelling or potentially occupied structure causing serious impairment of a minor. The bill would not have a direct fiscal impact on the state or on local units of government.

House Bill 5029 is a companion bill to HB 5030 and amends sentencing guidelines to include as felonies discharging a firearm at an occupied motor vehicle and discharging a firearm at a motor vehicle occupied by a minor. The bill would not have a direct fiscal impact on the state or on local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.