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ELIMINATE MANDATORY DRUG SENTENCES, ALLOW PAROLE

Senate Bill 280 with House committee amendments
Sponsor: Sen. William Van Regenmorter

Senate Bill 281 with House committee amendments
Sponsor: Sen. Mike Rogers

First Analysis (12-4-97)

Senate Committee: Judiciary
House Committee: Judiciary

THE APPARENT PROBLEM:

Ever since the 1978 recodification of the Public Health Code, which incorporated mandatory minimum sentences for certain narcotics and cocaine offenses enacted earlier that year in other legislation (see BACKGROUND INFORMATION), there have been those who have questioned the need for, and efficacy of, such an approach to illegal drugs. In particular, the provision requiring nonparolable life imprisonment for having, making, delivering, or having with the intent to deliver, any mixture containing cocaine or narcotics such as heroin that weighs 650 grams (23 ounces or about 1.4 pounds) or more -- known as the "650-lifer law" -- has been criticized as "draconian." As originally enacted, mandatory minimums were not included for violations involving mixtures containing narcotics or cocaine of less than 50 grams. Reportedly, New York officials, Detroit police, and the federal Drug Enforcement Administration all urged that quantity levels remain high and that no minimum terms be imposed on the lowest level dealers in order to avoid filling up the courts and prisons. However, the 1987-88 legislative crime package did add mandatory minimum terms (which reportedly some law enforcement officials had wanted all along), only to see the earlier prediction come true: courts were inundated with cases involving low level drug dealers and state prisons were filled with people convicted of drug offenses at the lowest end. After more than a decade of a prison boom, however, and a growing reluctance of taxpayers to pay for ever greater numbers of prisons that seem to be filled as soon as they are built, many state policy makers have begun to reconsider the desirability of mandatory minimum sentencing for nonviolent offenders. Since many convicted drug offenders are nonviolent but expensive to keep incarcerated, decades-old arguments against mandatory minimum drug sentencing are

beginning to appear more compelling to many former proponents of such an approach. Legislation has been proposed that reflects this change in perception.

THE CONTENT OF THE BILLS:

Senate Bill 280. Currently, the Public Health Code (MCL 333.7401 and 333.7403) makes it a felony punishable by mandatory imprisonment for life without parole, to possess (but see BACKGROUND INFORMATION, below), manufacture, create, deliver, or possess with intent to manufacture, create or deliver a "mixture" of a schedule 1 or 2 narcotic drug (which includes opium and its derivatives, including heroin) or cocaine (a schedule 2 drug). (Public Act 249 of 1996 allows one exception to this mandatory life provision: juvenile violators who are tried as adults, either in circuit or probate court, may be punished by imprisonment for at least 25 years instead of mandatory life imprisonment.) The penalties for lesser amounts are as follows:

** 225 to 650 grams, imprisonment for not less than 20 years but not more than 30 years;

** 50 to 225 grams, imprisonment for not less than 10 years but not more than 20 years;

** manufacture, creation, delivery, or possession with intent to do so of less than 50 grams, imprisonment for not less than one year but not more than 20 years, a possible fine of up to $25,000, or probation for life;

** possession only of 25 to 50 grams, imprisonment for not less than one year but not more than four years, a possible fine up to $25,000 or probation for life;

** possession only of less than 25 grams, imprisonment for up to four years and/or a fine up to $25,000.

The health code further requires terms of imprisonment imposed under the above provisions be imposed to run consecutively with any term of imprisonment imposed for committing another felony. People subject to mandatory terms of imprisonment under the code are not eligible for probation, suspension of their sentences, or parole during that mandatory term (except where the code allows probation for life), nor are they eligible for a reduction in that mandatory term by disciplinary credits or any other kind of sentence credit reduction.

Finally, the health code allows courts to depart from minimum terms of imprisonment for drug offenses if the court finds (on the record) that there are "substantial and compelling" reasons to do so. Public Act 249 of 1996 also allows courts to depart from minimum terms in the case of juvenile violators who are tried as adults, either in circuit or probate court, if the juvenile has not previously been convicted of a felony or an assaultive crime, including another felony or assaultive crime arising from the drug transaction.

The bill would remove all of the current minimum terms of imprisonment for offenses involving schedule 1 or 2 narcotics or cocaine mixtures (as well as the court "departure" language), while keeping the current maximum sentence terms and fines. The bill also would return possession of less than 50 grams of such mixtures to the single penalty of imprisonment for not more than four years and/or a fine up to $25,000. Finally, the bill would remove the current consecutive sentencing requirements in the code.

Senate Bill 281. Currently, under the corrections code (Public Act 232 of 1953), all offenders sentenced to life imprisonment are eligible for parole after serving 15 years of the sentence with two exceptions: prisoners sentenced to life imprisonment for first degree murder and those sentenced for life or for a minimum term of imprisonment for a major drug offense. The bill would amend the act (MCL 791.234 and 791.236) in the following ways:

Parole eligibility. The bill would make major drug offenders eligible for parole, once they'd served 15 years of their sentences (though they would still also be subject to the "truth-in-sentencing" requirements, namely, if their crime was not subject to "truth-in-sentencing" they would have to have served the minimum time imposed by the court minus "good time" or disciplinary credits, or, if their crime was subject to "truth-in-sentencing," they would have to have served the minimum term imposed by the court plus disciplinary time). The bill also would require the parole board to consider the following factors

when determining whether or not to release a "drug lifer" on parole:

** whether the prisoner's drug crime was part of a continuing series of drug crimes involving the

possession, manufacture, creation, or delivery (or intent to do so) of schedule 1 or 2 narcotics or cocaine mixtures;

**whether the prisoner had committed the drug crime in concert with five or more other individuals; and

** whether the prisoner was "a principal administrator, organizer, or leader" of an entity that he or she knew (or had reason to know) committed or was organized to commit ("in whole or in part") violations of sections 7401 (manufacture, creation, delivery, or possession with intent to do so of schedule 1 or 2 narcotics or cocaine) or 7403 (possession of these drugs) and that individual's crime was committed to further the interests of that entity.

Parole revocation. The bill would require the revocation of the parole of prisoners convicted of violating or conspiring to violate the health code's top two delivery or possession categories (over 225 grams) if the parolee subsequently committed a violent felony or committed a four-year violation of the health code's controlled substances article (Article 7).

The bill also would require that the parole orders of major drug offenders released on parole contain a notice of the above conditions under which the parole would be revoked.

Random drug testing. The bill would require the random drug testing of all parolees (not just those convicted for drug offenses) and would require the department to provide adequate drug testing materials to parole agents for such random drug tests.

Tie-bar. The bills are tie-barred to each other and to a bill that has not yet been introduced that reportedly would amend the Code of Criminal Procedure to conform with the bills' proposed changes.

HOUSE COMMITTEE ACTION:

The House Judiciary Committee amended Senate Bill 280 to remove all of the Public Health Code's current mandatory minimum terms of imprisonment for drug offenders, eliminate the code's current mandatory consecutive sentencing for drug offenses, delete the bill's "drug lifer" parole eligibility provisions, and (since there would no longer be mandatory minimum terms) delete the current provision in the code regarding court departures from the minimum mandatory terms of imprisonment for drug offenders (including the recently enacted separate option of a 25 year maximum sentence for waived juveniles).

The House Judiciary Committee also amended Senate Bill 281 to limit offenses that are not parolable to first degree murder (and to give "650" drug offenders eligibility for parole after serving 15 calendar years of their sentences, as is now the case for other life offenses), require the parole board to consider certain factors (intended to distinguish drug "kingpins" from "mules") in determining whether a current "650-lifer" could be released on parole, and require that drug offenders' parole be revoked if they later either committed a violent felony or committed a 4-year violation of the controlled substances article of the health code. In addition, the House Judiciary Committee deleted language in the bill that would have required (a) that paroled drug "lifers" be placed on parole and under supervision for life, (b) nonparolable life imprisonment for any paroled drug offender who committed any subsequent felony or drug violation, and (c) "broad-band" drug testing of parolees. The House committee kept language requiring random drug testing of parolees and notification to paroled drug offenders of the conditions under which their parole would be revoked under the bill's provisions (i.e. if they committed a violent felony or a 4-year violation of the code's controlled substances article).

The House committee kept the tie-bar between the two bills, broke the tie-bar to Senate Bills 278 and 279 (that would break the statutory tie-bar between "truth-in-sentencing" legislation -- and sentencing guidelines -- and extend "truth-in-sentencing" to all felonies), and added a tie-bar to a bill (request number 05053'97) that reportedly will amend the Code of Criminal Procedure to conform with the other two bills' proposed changes.

BACKGROUND INFORMATION:

The "650-drug lifer" law. Public Act 147 of 1978 amended the Controlled Substance Act (Public Act 196) of 1971 to change the penalties for the illegal possession, sale, or delivery of any mixture containing Schedule 1 or 2 narcotic drugs (opium and its derivatives, including heroin) or cocaine. Before Public Act 147, the manufacture or delivery of schedule 1 or 2 narcotic drugs was punishable by imprisonment for up to 20 years and/or a fine up to $25,000, at the court's discretion, while the manufacture or delivery of cocaine was punishable by imprisonment for up to seven years and/or a $5,000 fine. Possession of a Schedule 1 or 2 narcotic drug was punishable by imprisonment for up to four years and/or a $2,000 fine, while possession of cocaine was punishable by imprisonment for up to two

years and/or a $2,000 fine. Public Act 147 was to have taken effect on September 1, 1978, and would have made several changes in the penalty structure for the manufacture, delivery, or possession of schedule 1 or 2 narcotic drugs or cocaine (a schedule 2 drug): Cocaine would no longer carry lesser penalties than those for schedule 1 or 2 drugs, the severity of the penalties would be graduated and based on specified amounts of mixtures containing these drugs, and, finally, imprisonment for amounts weighing 50 grams (1 3/4 ounces) or more would carry mandatory minimum sentences without the possibility of parole or probation. More specifically, the penalties for the illegal manufacture, delivery, or possession of a mixture of a schedule 1 or 2 narcotic or cocaine would be as follows: (1) Mandatory life imprisonment without parole or probation for mixtures weighing 650 grams or more (the so-called "650 drug lifer" law); (2) mandatory 10 to 30 years imprisonment without parole or probation for mixtures weighing 225 to 649.99 grams (8 to 23 ounces); and (3) either mandatory 10 to 20 years imprisonment or probation for life for mixtures weighing from 50 to 224.99 grams (1 3/4 to 8 ounces). Second or subsequent convictions would carry a mandatory life imprisonment penalty.

Penalties for violations involving mixtures weighing less than 50 grams remained differentiated between those involving illegal possession (imprisonment for up to four years and/or a fine up to $2,000) and those involving illegal manufacture or delivery (imprisonment for up to 20 years and/or a $25,000 fine, at the court's discretion), and were not changed by Public Act 147.

Public Act 147 was to have taken effect September 1, 1978. However, the Controlled Substances Act -- and with it, the pending drug penalty changes -- was almost immediately repealed and instead incorporated into the 1978 recodification of the Public Health Code, Public Act 368 of 1978, which took effect (except as otherwise provided by specific provisions of the code) on September 30, 1978.

The 1987-88 legislative "crime package" included two laws that established one-year minimum terms for drug offenses involving even small amounts of narcotics or cocaine. Public Act 275 of 1987 revised the penalty provisions for the manufacture or delivery of cocaine or narcotics, while Public Act 47 of 1988 did the same for possession offenses.

Court challenges. The "650-drug lifer law" has withstood challenges before both the U.S. and the state supreme courts, though the state supreme court did strike down the part of the law requiring mandatory life imprisonment for "simple" possession.

In 1990, the United State Supreme Court ruled [in *Harmelin v Michigan*, 111 S Ct 2680 (1991), Justice

White dissenting] that Michigan's "650-drug lifer" law did not violate the "cruel and unusual" provisions of the Eighth Amendment to the U.S. Constitution. However, in June 1991 (in the consolidated cases of *People v Hassan*, Docket No. 89661, and *People v Bullock*, Docket No. 89662), the state supreme court (on a 4-3 decision) struck down mandatory life imprisonment for conviction for simple possession as unconstitutional, on the grounds that it violated Michigan's constitutional prohibition against cruel or unusual punishment. While the state attorney general and the Department of Corrections almost immediately argued that the ruling did not apply to convictions for delivery, the Michigan Court of Appeals (in *People v Fluker*) struck down mandatory life imprisonment for delivery of mixtures of 650 grams or more as unconstitutional on the same grounds as the earlier decision on possession. However, in April 1993, the state supreme court overturned the appeals court rulings, thereby reinstating mandatory life imprisonment for delivery of 650 or more grams of a mixture containing heroin or cocaine.

"Drug lifers." According to the Department of Corrections, as of September 23, 1997, of the 240 prisoners who have ever been sentenced to life terms for drug law offenses, 210 currently are serving sentences, though five of these are no longer serving on the original offense (one had the sentence reversed by the court and was resentenced to life, while the other four had their convictions discharged or reversed by the court and were resentenced to minimums in the range of 6-20 years, with 30-year maximums). Of the 205 remaining prisoners serving active sentences, 196 are male and 9 are female; 85 are white, 97 are black, 13 are Mexican, and 10 are "other." In terms of the counties involved, Oakland (with 67), Wayne (with 63), and Macomb (with 22) have the highest numbers. Kent (with 9) and Saginaw (with 8) have the next highest numbers, while Kalamazoo County has 4, and Clinton, Eaton, Genesee, and Washtenaw Counties each has 3. Calhoun County has 2, while Berrien, Ingham, Ionia, Livingston, Monroe, and Van Buren Counties each have 1. With regard to the "650-drug lifer" law, 167 lifers are serving for delivery or manufacture, while 38 are serving for possession. Finally, 173 prisoners have no prior prison record, while 32 do.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bills could result in savings of an indeterminate amount for the Department of Corrections (DOC). To the extent that the bills led to reductions in the amount of prison time served by certain drug offenders, they would reduce the costs of incarceration, which average about $15,000 to $20,000 per prisoner annually for relatively low-security placement.

Sentencing patterns and plea-based convictions suggest that the current presumptive minimum framework has had a complex effect on the criminal justice system. For example, in 1996 only about 45 percent of the sentences for the lowest delivery offense (which involves less than 50 grams) were to prison, and, when sentenced to prison, DOC data show that these prisoners receive a minimum term of around two years (which is double the statutory minimum) and that almost 90 percent of the current prisoner/parolee convictions for this offense were plea-based. Conversely, about two-thirds of those sentenced to prison for delivery offenses involving 50 to 649 grams received sentences substantially shorter than the statutory minimum, and similar patterns hold for the possession offenses, with a longer actual sentence served for the lowest offense (an average of 1.6 years instead of the statutory minimum of one year) and sentence averages well under the statutory minimums for the higher offenses. As a result, it is not possible to predict and quantify the likely effect of proposals to eliminate the statutory minimum sentences for these drug offenses.

Other provisions in the bills could result in cost savings to the state through reducing state costs of incarceration. Consecutive sentencing, which carries the potential to greatly increase sentence length for some offenders, would be eliminated; to the extent that this resulted in sentences being served concurrently rather than consecutively, state costs for incarceration would be reduced. In addition, by making currently-incarcerated prisoners eligible for parole (or eligible for parole sooner), the bills also could reduce state incarceration costs, as could making various drug offenders eligible for disciplinary credits. (12-3-97)

ARGUMENTS:

For:

It is long past time to do away with Michigan's draconian drug sentencing laws, which have been a costly social experiment; there is no good research data to support claims that these laws have been an effective way of reducing drug use and drug crime. In fact, without even considering the issue of justice (where mandatory minimum drug sentences are seen as just punishment for heinous offenders), the cost-effectiveness of such laws has been questioned by recent studies, such as the RAND's 1997 Drug Policy Research Center report on "Mandatory Minimum Drug Sentences: Throwing Away the Key or the Taxpayers' Money." The RAND report argues that mandatory minimum drug sentencing laws are wasteful of

taxpayers dollars in the sense that conventional law enforcement and treatment are more cost-effective ways of controlling drug use and drug-related crime, with a principal reason for these findings being the high cost of incarceration.

In fact, many of the arguments that were offered two decades ago against the mandatory minimum sentencing approach currently in the Public Health Code have been borne out. This approach purportedly was introduced with the intent of providing a deterrent to illicit traffic of opiate narcotics and cocaine in Michigan by catching so-called drug "kingpins" and thereby, presumably, reducing both the number of drug dealers and drugs on "the street." Yet opponents of this approach argued that the draconian nature of the proposed "solution" to the problem of illicit narcotics and cocaine could have unintended effects, including overloading the courts and prisons with low-level drug dealers ("couriers" and "mules," many of whom themselves are addicted and involved in the drug trade as a means of supporting their addiction) and a reluctance of juries to convict because of the severity of the sentences. In addition, critics of mandatory minimum sentences for drug offenses raised questions about the desirablilty of shifting sentencing power from judges to prosecutors, about the lack of evidence that this approach is an effective deterrent to crime, and about the desirability of concentrating on a punitive rather than rehabilitative approach to criminal justice.

The House Legislative Analysis Section arguments against the legislation that implemented the mandatory minimum sentencing approach to narcotics and cocaine remain startlingly current. The 1978 analysis pointed out, for example, that *"Instead of ensuring that the state's major drug dealers spend substantial periods of time in jail, the bill could backfire. Convictions on drug charges could become more difficult to obtain, because juries might be more apt to acquit in reaction to the severe penalties. In addition, it has been suggested that one possible negative consequence of the bill would be that major drug dealers who are the intended target of the legislation might use addicts to transport large quantities of drugs rather than take the risk of facing long mandatory prison sentences themselves. If this happened, the drug traffic would continue and only addicts, who already are 'victims' of the drug scene, would be faced with long prison sentences."* Moreover, *"Severe, mandatory prison sentences are a simplistic approach to the complex problem of illicit drug activity. There is no real evidence that they will serve as a deterrent to crime. A deterrent effect could be reasonably hoped for only if the state could ensure certainty of apprehension as well as certainty of punishment. Given the size of the state's addict population and the potential for profit, new dealers would quickly take the places of those sentenced to mandatory jail terms. Meanwhile, the problems which provoke and foster drug addiction remain unaddressed.*

In fact, many critics of the strict law enforcement approach to drugs believe that it is not only a futile method, but one that ultimately worsens the problem. When one major heroin channel is broken and the supply decreases, the price of heroin increases proportionately, and profitability soars. This can create a type of 'crime inflation,' since the price of heroin appears to have a direct effect on street crime." The 1978 analysis also argued that *"Mandatory minimum sentences undermine the modern concept of criminal justice, which endeavors to treat individual defendants separately, fairly, and with due process of law. The bill stresses punishment and thwarts rehabilitation. If prisons are to be 'correctional' instead of punitive, prisoners must have incentives to participate in prison rehabilitation programs. By requiring a fixed prison term, with no possibility of parole, the bill destroys much of that incentive. Further, the bill could impose an intolerable burden on the state's courts and penal institutions, because criminal defendants faced with severe mandatory sentences would insist upon jury trials, and long prison terms with no possibility of parole would quickly overload the already overcrowded prisons."* Finally, the analysis argued that *"The power to sentence should belong to judges; the bill would, in effect, shift that power from judges to prosecutors. Sentencing judges must have unrestricted power to choose an appropriate sentence according to the condition of the defendant, the record of prior criminal activity, and the requirement of public protection. Discretion in sentencing is particularly important on drug offenses, because so many violators are victims of their own addiction and poverty."*

After two decades, the mandatory minimum sentencing law reportedly has caught mostly low-level couriers (often, addicts and first-time offenders who engage in this activity to support their drug "habit") and, at the most, some mid-level drug dealers, when it has worked at all. And sometimes it has resulted in blatant miscarriages of justice, as in cases involving a large element of entrapment of addicted users who otherwise never would have become involved in dealing relatively large amounts of drugs. Moreover, the punishment simply does not fit the crime in many cases, and in fact is disproportionately harsh when compared to sentences for more violent crimes, where the criminal is eligible for parole. Only first-degree murder carries with it the same penalty as the "650-drug lifer" law, while other violent crimes -- such as rape, second-degree murder, and armed robbery -- carry much lesser sentences, including the possibility of parole. Surely these violent crimes should be punishable by sentences more severe than those currently meted out for dealing drugs.

Despite claims that the law was and is an indispensable and effective anti-drug weapon, the law never did achieve its purported goal of ridding the streets of drug pushers

and serving as a deterrent to drug trafficking, as even its original sponsor and many influential former supporters now admit. In fact, many influential voices in law enforcement -- including the Macomb County prosecutor himself, once a strong proponent of the law -- now advocate giving judges, not prosecutors or parole boards, primary authority over sentencing (along with, perhaps, enforcing truth-in-sentencing policies that would guarantee that minimum sentences would not be reduced by "good time" credits or other means). It also can be argued that the draconian nature of the punishment has served as a positive disincentive for convicting people under this law, and for bargaining down offenses, so that the whole purported point of the law is blunted if not rendered moot.

Finally, despite a huge prison expansion program over the past decade, prisons still are overcrowded. Mandatory life sentences for certain drug convictions -- as well as other mandatory, if lesser, sentences for drug-related crimes -- threatens the state's limited prison capacity and already overburdened taxpayers. The policy not only doesn't make sense financially, it also can result in the early release -- due to lack of space -- of such violent offenders as rapists and armed robbers, who probably pose a greater danger to more of the state's citizens than those involved in illegal drugs. After over a decade of building and filling prisons, many taxpayers are questioning the desirability of having so much of the state's budget tied up in prisons when other socially desirable needs, such as public and mental health and education, should receive funding being eaten up by the growth in the prison system.

Against:

Proponents of the law continue to argue that it was designed as, and has been successful as, a deterrent to drug trafficking. Some even say that it is law enforcement's most valuable tool in the war against drugs. As for the argument that there is a lack of "proportion" between sentencing for violent crimes such as rape, second-degree murder, and armed robbery -- none of which carry nonparolable life sentences -- and the nonparolable life sentences for trafficking in large amounts of drugs, proponents of the law point out that just because a drug dealer may not be engaged in any immediate, visible violence in the drug transaction, selling drugs is, in fact, as bad as premeditated murder. In fact, it is argued that severe sentences are justified for drug trafficking because the crime is, in fact, as deadly as premeditated murder. Trafficking in large amounts of drugs is more deadly than first-degree murder, in many cases, because unlike premeditated murder, which often involves only a single victim, 650 grams or more of heroin or cocaine affects -- if not destroys -- the lives of hundreds of people who come into contact with it. And drug trafficking damages society as a whole, including many of its children who live in poverty and perhaps come to see it as a way of getting the things they'll never have even if they got and held down regular jobs. Moreover, if people believe that there is an improper discrepancy between sentences for obviously violent crimes such as rape, second-degree murder, and armed robbery and sentences for drug trafficking, then perhaps the sentences for these violent crimes should be increased rather than decreasing the sentences for drug trafficking.

Response:

As the author of the RAND report mentioned above points out, the question of what are appropriate drug offender sentences can be approached from either a "moral" view (where, for example, mandatory minimum drug sentences are seen as just punishment for heinous offenders) or from the perspective of what is most effective for achieving the goals of reducing drug use and drug-related crime. And while there are honest disagreements about which moral perspective is correct, it seems clear from recent research that the current approach to controlling or reducing drug use and drug-related crime is not as effective as other -- if less punitive -- approaches, including conventional law enforcement (including expanding budgets for arresting, prosecuting, and incarcerating drug dealers with shorter sentences) and rehabilitative approaches that emphasize treatment rather than extended incarceration. The author of the RAND report, interestingly, also points out a difference in the perspectives of those advocating these different approaches. He says, "treatment is like an investment; you pay now but derive benefits in future years. Conventional enforcement is like paying as you go. Extending sentences is like buying something with a credit card; you get the benefits now, but the bill comes due in the future. Hence, long sentences should be most appealing to people with very short time horizons."

It also should be pointed out that the current penalty provisions in the law apply to "mixtures" of schedule 1 or 2 narcotics, cocaine (a schedule 2 drug) or marijuana; all other penalty provisions apply to the drugs in a presumably pure form. What this means is that while 650 grams -- 23 ounces or about 1.4 pounds -- sounds like a lot when talking about, say, heroin or cocaine, in fact, the penalties apply to the weights of "mixtures." So someone can be convicted of trafficking in a "mixture" of cocaine or heroin that weighs about 1.4 pounds and be sentenced to life imprisonment without parole, but the actual amount of the pure drug itself may well be much less, even as little as one percent of the total weight. Someone who is convicted of having or selling much smaller quantities of these drugs, conversely, may well be sentenced to a much shorter sentence. So the incentive in the current law actually is to deal in purer -- and far more

deadly, at least until "cut" or diluted for the street -- but smaller amounts of these drugs.

Finally, with regard to the detrimental effect that the example of "easy" drug money can have on the values of children living in poverty, it could equally be argued that it is the poverty, and not the trafficking in drugs itself, that constitutes the real problem and one which is much more difficult to face.

POSITIONS:

Representatives from the following groups submitted testimony in support of the bills as amended by the House Judiciary Committee (12-2-97):

- The Criminal Defense Attorneys of Michigan
- Attorneys Against Excessive Mandatory Minimums
- Michigan Appellate Assigned Counsel
- The Oakland County Bar
- Michigan Families Against Mandatory Minimums
- The Michigan Catholic Conference
- The Michigan Conference of the National Organization for Women
- The Detroit Branch of the National Association for the Advancement of Colored People

Analyst: S. Ekstrom

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