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

**SFA****BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

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Senate Bill 3 (as introduced 1-8-97)  
Sponsor: Senator Michael J. Bouchard  
Committee: Judiciary

Date Completed: 2-5-97

### **CONTENT**

The bill would amend the Public Health Code to provide for enhanced penalties for delivering or possessing with intent to deliver less than 50 grams of a mixture containing a Schedule 1 or 2 narcotic or cocaine, if the offender were at least 18 years of age and the delivery were to a minor who was in a public park or within 1,000 feet of a public park. "Public park" would mean real property that was owned or maintained by the State or a political subdivision of the State and that was designated as a public park by the State or political subdivision.

For a delivery offense, the offender would have to be punished by a term of imprisonment of not less than two years or more than three times the penalty otherwise authorized for the underlying offense and, in addition, could be fined up to three times the fine otherwise authorized for the underlying offense. For an offense of possession with intent to deliver, the offender would have to be punished by a term of imprisonment of not less than two years or more than twice the penalty otherwise applicable for the underlying offense and, in addition, could be fined up to three times the fine otherwise authorized for the underlying offense. (Delivering or possessing with intent to deliver less than 50 grams of a Schedule 1 or 2 narcotic or cocaine is punishable by imprisonment for not less than one year or more than 20 years, and a fine of up to \$25,000, or an offender may be placed on probation for life.) The court could depart from the bill's minimum terms of imprisonment if it found, on the record, that there were substantial and compelling reasons to do so.

The bill's drug-free *park* zone penalties are identical to the Code's existing enhanced penalty provisions for drug-free *school* zones.

MCL 333.7410

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill could increase costs for the Department of Corrections as a result of the enhanced sanctions for violators of the bill's provisions.

There are no data currently available on the potential number of enhanced sentences that could result from the commission of a drug crime at or near a public park. As a comparison, for the identical enhancement provision for the commission of a drug crime at or near a school, since 1991, there have been 31 convictions in circuit court, five receiving a prison sentence, the others probation or jail. The cost of this bill would be the cost of the additional sentence lengths that could be imposed as a result of the public park enhancement provision.

Fiscal Analyst: M. Hansen

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