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

Senate Bills 537, 538, and 539 (as introduced 5-27-97)
Sponsor: Senator Robert Geake
Committee: Judiciary

Date Completed: 11-13-97

CONTENT

The bills would amend several statutes to give the district court concurrent jurisdiction over various tobacco violations committed by a minor. The district court would have to handle such a case in the same manner as the family division of the circuit court under the juvenile code. The bills are tie-barred to each other.

Senate Bill 537

The bill would amend the Michigan Penal Code and would apply to the use of a tobacco product on school property. The offense is a misdemeanor punishable by a fine of up to $50.

Senate Bill 538

The bill would amend a section of the Youth Tobacco Act that prohibits a person under 18 from possessing or smoking cigarettes or cigars; possessing, chewing, sucking, or inhaling chewing tobacco or tobacco snuff; or possessing or using tobacco in any other form, on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement. The offense is a misdemeanor punishable by a fine of up to $50, as well as community service or participation in a health promotion and risk reduction program.

Senate Bill 539

The bill would amend provisions of the Revised Judicature Act that specify cases over which the district court and the family division have jurisdiction. The bill provides that the district court would have concurrent jurisdiction over a misdemeanor involving a violation of the Michigan Penal Code or the Youth Tobacco Act (as described above), by a minor.

The bill also would make an exception to the family division's sole and exclusive jurisdiction over cases involving juveniles as provided in the juvenile code. Under the bill, the family division would have sole and exclusive jurisdiction unless the case involved a violation of the Penal Code or the Youth Tobacco Act (as described above), where jurisdiction would be concurrent with the district court.

MCL 750.473 (S.B. 537)
722.642 (S.B. 538)
600.1021 & 600.8311 (S.B. 539)

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bills would have a minimal fiscal impact regarding court costs.

Fiscal Analyst: B. Bowerman

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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.