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SFA



BILL ANALYSIS

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Senate Bill 1186 (Substitute S-1 as reported)
Sponsor: Senator John J.H. Schwarz, M.D.
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to add to the sentencing guidelines felony penalties for operating or maintaining a controlled substance laboratory as proposed by Senate Bill 1043. Senate Bill 1186 (S-1) is tie-barred to Senate Bill 1043 and would take effect 90 days after its enactment.

Operating or maintaining a controlled substance laboratory would be categorized as a Class D controlled substances felony, with a statutory maximum penalty of 10 years' imprisonment. Operating or maintaining a controlled substances laboratory in the presence of a minor, involving hazardous waste, or near certain places specified in Senate Bill 1043 would be categorized as Class B controlled substances felonies with statutory maximum penalties of 20 years' imprisonment. Operating or maintaining a controlled substances laboratory involving a firearm or other harmful device would be categorized as a Class A controlled substances felony with a statutory maximum penalty of 25 years' imprisonment.

MCL 777.13

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data available to indicate how many people could be convicted of the proposed offenses. The felonies would be incorporated into the sentencing guidelines as Class D, Class B, and Class A offenses, as described above. The minimum sentence ranges are shown below.

Crime Class	Minimum Sentence Range (Months)	
	<u>From</u>	<u>To</u>
A	21-35	270-450, or Life
B	0-18	117-160
D	0-6	43-76

(Note: The life sentence would not be the maximum for the Class A felony, because the statutory maximum would be 25 years and a minimum sentence cannot exceed two-thirds of the maximum sentence.) Assuming that five offenders a year would be convicted of crimes from each category and that they would receive the highest minimum sentence, given that the average annual cost of incarceration is \$22,000, the cost of incarceration would be \$4 million, in the long run. This could be in addition to other incarceration costs for other crimes arising from the same act.

A local sanction is appropriate for offenders who score sentencing guideline recommendations where the minimum sentence is less than 12 months. Local units of government would incur the cost of a local sanction and the costs vary among the counties.

Date Completed: 3-30-00

Fiscal Analyst: K. Firestone

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Analysis available @ <http://www.michiganlegislature.org>

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.