
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 1401 (as reported by the Committee of the Whole)
Sponsor: Senator Philip E. Hoffman
Committee: Judiciary

CONTENT

The bill would amend Public Act 7 of 1981, which prohibits bringing alcohol, controlled substances, weapons, and certain other items into jails, to add gamma-butyrolactone (GBL) and tobacco products to that list of contraband items. Under the bill, "tobacco product" would mean a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth.

Public Act 7 prohibits bringing any alcoholic liquor or controlled substance into a jail, a building appurtenant to a jail, or the grounds used for jail purposes; selling or furnishing any alcoholic liquor or controlled substance to a prisoner; or disposing of any alcoholic liquor or controlled substance in a manner that allows a prisoner access to the alcohol or controlled substance. The bill would add GBL and tobacco products to those prohibitions. In addition, the Act prohibits a prisoner from possessing or having under his or her control any alcoholic liquor or controlled substance. The bill would add GBL and tobacco products to that prohibition.

A violation of the contraband provisions is a felony, punishable by up to five years' imprisonment, a maximum fine of \$1,000, or both, unless it is a controlled substance violation for which the penalty under the Public Health Code exceeds five years' imprisonment. The bill would include GBL in that penalty provision. The bill also specifies that a violation involving a tobacco product would be a misdemeanor, punishable by up to 93 days' imprisonment, a maximum fine of \$500, or both.

MCL 801.261 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

There are no data available to indicate how many offenders could be convicted of bringing tobacco products or GBL into jails. According to the Department of Corrections Statistical Report, there were no convictions for bringing contraband into jails in 1997 or 1998. Local government would incur the cost of incarceration or receive the fine revenue for the misdemeanor offense of bringing tobacco into a jail. The costs of incarceration for a period greater than 18 months or probation supervision for the felony offense of bringing GBL into a jail would be incurred by the State.

Date Completed: 11-28-00

Fiscal Analyst: K. Firestone