

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



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

Senate Bill 1401 (as introduced 9-28-00)
Sponsor: Senator Philip E. Hoffman
Committee: Judiciary

Date Completed: 11-14-00

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 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 a tobacco product 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 a tobacco product 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 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 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 this misdemeanor offense.

Fiscal Analyst: K. Firestone

S9900\1401sa

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.