

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 4403 (as reported without amendment)  
Sponsor: Representative Michael Kowall  
Senate Committee: Judiciary  
House Committee: Criminal Law and Corrections

### **CONTENT**

The bill would amend Public Act 7 of 1981, which prohibits bringing alcohol, controlled substances, and weapons into jails and the possession of those items by jail inmates, to increase the penalty for a violation. The bill would take effect on August 1, 1999.

A violation of the Act is a misdemeanor, punishable by up to one year's imprisonment, a maximum fine of \$500, or both. Under the bill, a violation would be a felony, punishable by up to five years' imprisonment, a maximum fine of \$1,000, or both. If a violation involved a controlled substance and were punishable by imprisonment for more than five years under the Public Health Code, the offender could not be prosecuted under Public Act 7 for that violation.

Public Act 7 prohibits all of the following:

- Bringing into a jail, into a building appurtenant to a jail, or onto jail grounds a weapon or other item that may be used to injure a prisoner or other person, or to assist a prisoner to escape.
- Selling or furnishing to a prisoner a weapon or other item that may be used to injure a prisoner or other person, or to assist a prisoner to escape, or disposing of a weapon in a manner that allows a prisoner access to it.
- Unless authorized by the jail's chief administrator, possession or control by a prisoner of a weapon or item that may be used to injure a prisoner or other person, or to assist a prisoner to escape.
- Except as allowed for medical or religious purposes, bringing alcohol or a controlled substance into a jail, into a building appurtenant to a jail, or onto jail grounds; selling or furnishing alcohol or a controlled substance to a prisoner; or disposing of alcohol or a controlled substance in a manner that allows a prisoner access to it.
- Except as allowed for medical or religious purposes, possession or control by a prisoner of alcohol or a controlled substance.

MCL 801.265

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

House Bill 4403 and Senate Bill 528 would have an indeterminate fiscal impact on State and local government.

The bills would increase the maximum sentence and add five crimes not previously enumerated in the sentencing guidelines. To the extent that, as a result of enumeration in the sentencing guidelines, an offender convicted under one of these sections received a longer or a shorter sentence, costs to State and local government would increase or decrease. There are no data available to indicate how many people are convicted each year of bringing a weapon to jail, furnishing a weapon to a prisoner in jail, possession of a weapon by a prisoner, furnishing contraband to a prisoner in jail, or possession of contraband by a prisoner.

Date Completed: 5-6-99

Fiscal Analyst: K. Firestone