

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

House Bill 4200 (as passed by the House)  
Sponsor: Representative Mike Kowall  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 12-2-02

### **CONTENT**

**The bill would amend the Michigan Liquor Control Code to add imprisonment for up to 90 days to the penalties that may be imposed on a minor for purchasing, consuming, or possessing alcohol, except that, for a first offense, imprisonment could be ordered only if the defendant failed to complete any required treatment, screening, or community service or failed to pay a fine.** The bill would take effect on January 1, 2002.

Under the Code, it is a misdemeanor for a minor (i.e., a person under 21 years of age) to purchase or attempt to purchase, consume or attempt to consume, or possess or attempt to possess alcoholic liquor. A first violation is punishable by a maximum fine of \$100; a violation following a prior conviction or juvenile adjudication is punishable by a maximum fine of \$200; and a violation following two or more prior convictions or juvenile adjudications is punishable by a maximum fine of \$500. The court also may order an offender to participate in substance abuse prevention or treatment and rehabilitation services, perform community service, and undergo substance abuse screening and assessment at his or her own expense.

The bill would retain the current penalties and specifies that each violation also would be punishable by up to 90 days' imprisonment. A court could not impose a term of imprisonment for a first offense, however, unless the court determined on the record that the defendant had failed to complete successfully any treatment, screening, or community service ordered by the court or had failed to pay any fine.

MCL 436.1703

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

House Bill 4200 would have no fiscal impact on the State.

The bill would have an indeterminate impact on local governments. There are no data available to indicate how many misdemeanor offenders would receive punishment including imprisonment for underage alcohol violations. Offenders convicted of a misdemeanor are subject to probation or incarceration in a local facility. Local units incur the cost of probation as well as the cost of incarceration, which may vary between \$27 and \$65 per day.

Fiscal Analyst: B. Wicksall

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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.