



Senate Fiscal Agency
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Senate Bill 652 (Substitute S-3 as reported by the Committee of the Whole)
Sponsor: Senator Ron Jelinek
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to prohibit transporting or possessing anhydrous ammonia in a container other than "a container approved by law" and tampering with a container approved by law. A violation would be a felony punishable by up to four years' imprisonment, a maximum fine of \$5,000, or both. The bill would take effect on January 31, 2004.

"Container approved by law" would mean a container that was manufactured to satisfy the requirements for storing and handling anhydrous ammonia pursuant to R 408.17801 of the Michigan Administrative Code or its successor rule. (That rule adopts by reference the provisions of Federal Occupational Safety and Health Administration regulations pertaining to the design, construction, location, installation, and operation of anhydrous ammonia systems (29 CFR 1910.111).)

Proposed MCL 750.502d

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bills 652 (S-3) and 777 (S-2) (a companion sentencing guidelines bill) would have an indeterminate fiscal impact on State and local government.

There are no data to indicate how many offenders would be convicted of transporting or possessing anhydrous ammonia in an unapproved container or tampering with an approved container. Offenders convicted of the proposed Class F crime would receive a sentencing guidelines minimum sentence range from 0-3 months to 17-30 months. Local units would incur the cost of incarceration in a local facility, which varies by county. The State would incur the cost of felony probation at an average annual cost of \$1,750, as well as the cost of incarceration in a State facility at an average annual cost of \$27,000.

Public libraries would benefit from any additional penal fine revenue raised due to the proposed offense.

Date Completed: 10-21-03

Fiscal Analyst: Bethany Wicksall