

Legislative Analysis



CONTROLLED SUBSTANCE CAUSING DEATH

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Senate Bill 423 (Substitute S-1)

Sponsor: Sen. Jud Gilbert, II

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 9-22-05

A SUMMARY OF SENATE BILL 423 (S-1) AS PASSED BY THE SENATE 9-20-05

The bill would amend the Code of Criminal Procedure (MCL 777.16p) to include in the sentencing guidelines delivery of a controlled substance causing death, a felony proposed by House Bill 4673 (S-1). Under the Senate bill, the offense would be a Class A felony against a person, with a statutory maximum sentence of imprisonment for life.

The bill would take effect January 1, 2006, and is tie-barred to House Bill 4673. [House Bill 4673 would amend the Michigan Penal Code to specify that a person who delivered a schedule 1 or 2 controlled substance, other than marihuana, to another person would be guilty of a felony punishable by imprisonment for life or any term of years, if the substance were consumed by the person to whom it was delivered or any other person, and caused the death of the person who consumed it.]

HOUSE COMMITTEE ACTION:

The House Judiciary Committee reported out the Senate-passed version of the bill without amendments. Some of the information in this summary is derived from the Senate Fiscal Agency analysis dated 9-14-05.

FISCAL IMPACT:

Senate Bill 423 (S-1) and House Bill 4673 (S-1) would have an indeterminate fiscal impact on state and local government. There are no data to indicate how many offenders would be convicted of delivery of a controlled substance causing death. The proposed felony would be a Class A offense with a sentencing guidelines minimum sentence range from 21-35 months to 270 months-life. Local units of government incur the cost of incarceration in a local facility, which varies by county. The state incurs the cost of felony probation at an average annual cost of \$2,000, as well as the cost of incarceration in a state facility, which for FY 2005-06 will have an average annual cost of approximately \$30,000. Depending on the length of sentence, age at incarceration and life expectancy, the total cost of incarceration for each offender convicted and sentenced to prison could total anywhere from \$52,500 to \$1.5 million.

Legislative Analyst: J. Hunault

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