

# Legislative Analysis



## CREATE PENALTY FOR ILLEGAL DELIVERY OF CONTROLLED SUBSTANCES CAUSING DEATH

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**House Bills 4673 and 4674**  
**Sponsor: Rep. Phillip Pavlov**  
**Committee: Judiciary**

**Complete to 6-28-05**

### A SUMMARY OF HOUSE BILLS 4673 AND 4674 AS INTRODUCED 4-26-05

House Bill 4673 would add a new section to the Michigan Penal Code (750.317a) to make it a felony punishable by imprisonment for life or any term of years to deliver a controlled substance to another person in violation of Section 7401 of the Public Health Code if a death occurred as a result of the person or another person consuming the illegally delivered substance.

House Bill 4674 would amend the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.16p) to specify that delivery of a controlled substance causing death would be a Class A felony against a person with a statutory maximum term of imprisonment of life. The bill is tie-barred to House Bill 4673.

### FISCAL IMPACT:

The bills would have an indeterminate impact on state and local justice systems. To the extent that the bills increased the numbers of felons sentenced to prison and increased the length of time served, the state would incur increased costs of prison incarceration, which currently average about \$29,000 per prisoner per year. The cost of a sentence to probation also would be borne by the state; felony probation supervision averages \$1,977 per supervised offender per year. Local correctional costs could be affected to the extent that offenders who otherwise would have been sentenced to jail for a lesser offense instead were sentenced to prison. Any increases in collections of penal fines would increase revenues from that source going to local libraries, which are the constitutionally-designated recipients of that revenue.

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