

Legislative Analysis



DRUG FREE ZONES: LIBRARIES

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House Bills 5657 and 5658

Sponsor: Rep. George Cushingberry

Committee: Local Government and Urban Policy

Complete to 3-27-06

A SUMMARY OF HOUSE BILLS 5657 AND 5658 AS INTRODUCED 2-8-06

The Public Health Code imposes enhanced penalties on adults convicted of delivering or possessing with intent to deliver controlled substances and other illegal drugs on or within 1,000 feet of school property and parks ("drug free zones").

House Bill 5657 would prohibit an individual 18 years of age or older from delivering or possessing with intent to deliver less than 50 grams of cocaine or a Schedule 1 or 2 narcotic to another individual on or within 1,000 feet of a **library**. The bill would define "library" to mean a library established by the state; a county, city, township, village, school district, or other local unit of government or authority (a combination of local units or authorities); a community college district; a college or university; or any private library open to the public.

House Bill 5658 would amend Chapter XVII of the Code of Criminal Procedure to specify in the sentencing guidelines that a violation of House Bill 5657 would be a controlled substance felony with a variable statutory maximum prison sentence.

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state and local units of government, depending on the numbers of violators and how the bills affected prosecutorial charging practices and the numbers and types of convictions obtained. To the extent that more offenders were sentenced for felonies or received more severe sentences, the state could incur increased costs of prison incarceration, which currently average about \$30,000 per prisoner per year, and felony probation supervision, which currently average about \$2,000 per offender per year. Local jail costs, which vary by county, could increase to the extent that additional felons or misdemeanants received jail sentences. Additional misdemeanants on probation also could increase local costs of misdemeanor probation supervision. Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

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