

Legislative Analysis



METHAMPHETAMINE REPORTING ACT

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House Bill 5841

Sponsor: Rep. Tonya Schuitmaker

House Bill 5846

Sponsor: Rep. Darwin Booher

Committee: Judiciary

Complete to 3-27-06

A SUMMARY OF HOUSE BILLS 5841 & 5846 AS INTRODUCED 3-8-06

House Bill 5841 would create a new act to be known as the Methamphetamine Reporting Act. House Bill 5846 would create another new act related to House Bill 5841 to prescribe the duties of the Department of State Police with respect to illegal drug manufacturing laboratories.

Under House Bill 5841, the Department of State Police would be required to create and maintain a computerized database for compiling information about methamphetamine manufacture, use, possession, and distribution in Michigan. The information would be compiled from the department itself; the departments of Community Health, Human Services, Natural Resources, and Corrections; and from each local police agency. (A local police agency would include the police department of a city, village, or township; the county sheriff; and the police department or public safety department of a hospital, community college, college, or university.)

The bill specifies that the Department of State Police would provide, and also require each group listed above to provide, information regarding all of the following:

- the name and address of the reporting entity.
- whether the incident involved primarily the manufacture, possession, use, or distribution of methamphetamine.
- the city, village, or township and the county in which the incident occurred.
- whether the incident resulted in a criminal prosecution and, if so, the outcome of the prosecution (if known).
- whether any individual involved was being treated or otherwise counseled for methamphetamine use.
- whether an individual less than 18 years of age was present at the scene when the incident took place.

- whether the violation caused the contamination of a natural resource and, if so, the agencies involved in the cleanup, as well as the cost or expected cost of the cleanup to each agency involved.

The bill specifies that the department would have to implement procedures to avoid the duplication of information. Information would be submitted on a form provided by the department. While each agency would have to complete the form and return it to the Department of State Police, the bill would not require or authorize the disclosure of information that was privileged or otherwise restricted by law.

Generally, information submitted to the department by a state or local department or agency would be confidential, and would not be subject to disclosure under the Freedom of Information Act.

Under the bill, the Department of State Police would be required to file a written report, not later than January 1 of each year, with the Secretary of the Senate, and the Clerk of the House of Representatives. The report would identify trends in methamphetamine manufacture, use, and distribution in Michigan, and make recommendations to the legislature regarding possible solutions to those problems. A copy of the report would have to be available to the public on the department's website.

The bill specifies that the department could promulgate rules under the Administrative Procedures Act to implement this legislation.

House Bill 5846 would require the State Police, upon receiving notice under the Methamphetamine Reporting Act (created by House Bill 5841) of the discovery of a methamphetamine laboratory, to post on its Internet website the location of the lab and the name of the law enforcement agency (or other agency) that reported the existence of the lab. The information posted would have to be kept current and include a statement as to whether or not the remediation of each laboratory site had been completed according to standards established by the Department of Community Health.

FISCAL IMPACT:

House Bill 5841 would have an indeterminate impact on state and local governments. House Bill 5846 would involve small administrative costs, mainly from receiving, entering, and maintaining the information in the database.

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