



Senate Fiscal Agency
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House Bill 4594 (Substitute H-1 as reported without amendment)
House Bill 4595 (Substitute H-1 as reported without amendment)
House Bill 4596 (as reported without amendment)
Sponsor: Representative Leslie Mortimer (H.B. 4594)
Representative Richard Ball (H.B. 4595)
Representative Bill Caul (H.B. 4596)

House Committee: Health Policy
Senate Committee: Education

CONTENT

House Bills 4594 (H-1) and 4595 (H-1) would amend the Public Health Code to include the possession of a controlled substance or gamma-butyrolactone (GBL) within 1,000 feet of school property, or within 1,000 feet of a public or private park, in provisions that prescribe criminal penalties for individuals 18 years old or older who commit controlled substance or GBL offenses on school property or in a park.

Currently, a person who is 18 or older and possesses a controlled substance or GBL on school property in violation of the Code must be punished by a term of imprisonment, a fine, or both, of not more than twice that authorized for the underlying Code violation. House Bill 4594 (H-1) would extend this to possession within 1,000 feet of school property.

Also, an individual 18 or older who violates the Code by possessing a controlled substance or GBL in a public or private park may be punished by a term of imprisonment of up to two years. House Bill 4595 (H-1) would extend this to possession within 1,000 feet of a park.

House Bill 4596 would amend the Code of Criminal Procedure to include in the sentencing guidelines a controlled substance offense or offense involving GBL in or near a public or private park in violation of Section 7410a of the Public Health Code (the section House Bill 4595 (H-1) would amend). A violation would be categorized as a controlled substance offense subject to a statutory maximum term of two years.

The bill is tie-barred to House Bill 4595.

MCL 333.7410 (H.B. 4594)
333.7410a (H.B. 4595)
777.18 (H.B. 4596)

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of possessing gamma-butyrolactone or a controlled substance within 1,000 feet of school property, or a public or private park. In 2003, 21 offenders were convicted of possession on school property, and no offenders were convicted of possession in a park. Of these, one was sentenced to prison, 10 were sentenced to probation, five were sentenced to jail, and five received other types of sentences. To the extent that extending the zones to include the area within 1,000

feet of school property or a park would result in increased incarceration time, local governments would incur the costs of incarceration in local facilities, which vary by county.

The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 5-26-06

Fiscal Analyst: Lindsay Hollander