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House Bill 4594 (Substitute H-1 as passed by the House)
House Bill 4595 (Substitute H-1 as passed by the House)
House Bill 4596 (as passed by the House)

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

Date Completed: 5-24-06

CONTENT

The bills would amend the Public Health Code and the Code of Criminal Procedure 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.

The bills are described in detail below.

House Bill 4594 (H-1)

Under the Public Health Code, an individual 18 years of age or older who violates Section 7401b or Section 7403(2)(a)(v), (b), (c), or (d) by possessing GBL or a controlled substance on school property must be punished by a term of imprisonment, a fine, or both, of not more than twice that authorized under those sections. The bill would extend that provision to individuals who possessed those substances within 1,000 feet of school property.

For this purpose, "school property" means a building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

(Section 7403 prohibits a person from knowingly or intentionally possessing a controlled substance, a controlled substance analogue, or a prescription form unless it was obtained through a valid prescription or by order of a practitioner in the course of his or her professional practice. Section 7403(2) establishes penalties for violations involving specific substances.

Section 7401b of the Public Health Code prohibits a person from manufacturing, delivering, possessing with intent to deliver, or knowingly or intentionally possessing GBL or any substance containing GBL, except for use in a commercial application that is not for human consumption. A person who violates the section is guilty of a felony, and knowing or

intentional possession of GBL is punishable by imprisonment for up to two years and/or a maximum fine of \$2,000. All other violations under the section are punishable by imprisonment for up to seven years and/or a maximum fine of \$5,000.)

House Bill 4595 (H-1)

The Public Health Code provides that an individual 18 years of age or older who violates Section 7401b or Section 7403(2)(a)(v), (b), (c), or (d) 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. The bill would extend that provision to possession of those substances within 1,000 feet of a public or private park.

For this purpose, "public park" means real property owned or maintained by this State or a political subdivision of the State that is designated by the State or political subdivision as a public park. "Private park" means real property owned or maintained by a private individual or entity that is open to the general public or local residents for recreation or amusement.

House Bill 4596

The bill 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)

BACKGROUND

Gamma-butyrolactone is a central nervous system depressant with euphoric, relaxing, and hallucinatory effects. Some believe that it can promote muscle growth and increase physical strength or performance. When ingested in higher doses, it can cause an individual to fall into a deep sleep or a coma. Other possible negative effects of the drug include dizziness, seizures, vomiting, difficulty breathing, and slow heart rate. The substance has commercial uses as a floor stripper or a solvent, but all noncommercial manufacture or possession of GBL is prohibited under Section 7401b of the Public Health Code (which was added by Public Act 302 of 2000).

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 possessing on school property, and no offenders were convicted of possessing 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, a public park, or a private 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.

Fiscal Analyst: Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.