



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4673 (Substitute S-1 as reported)
Sponsor: Representative Phillip Pavlov
Senate Committee: Judiciary
House Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to establish a criminal penalty of up to life in prison for the delivery of a Schedule 1 or 2 controlled substance that caused the death of a person who consumed the substance.

Specifically, a person who violated the Public Health Code by delivering a Schedule 1 or 2 controlled substance, other than marijuana, to another person would be guilty of a felony punishable by imprisonment for life or any term of years if the substance were consumed by the person to whom it was delivered or any other person and caused the death of the person who consumed it.

The bill would take effect January 1, 2006, and is tie-barred to Senate Bill 423, which would include the proposed felony in the sentencing guidelines.

Proposed MCL 750.317a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bill 4673 (S-1) and Senate Bill 423 (S-1) would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of delivery of a controlled substance causing death. The proposed felony would be a Class A offense with a sentencing guidelines minimum sentence range from 21-35 months to 270 months-life. Local units of government incur the cost of incarceration in a local facility, which varies by county. The State incurs the cost of felony probation at an average annual cost of \$2,000, as well as the cost of incarceration in a State facility, which for FY 2005-06 will have an average annual cost of approximately \$30,000. Depending on the length of sentence, age at incarceration and life expectancy, the total cost of incarceration for each offender convicted and sentenced to prison could total anywhere from \$52,500 to \$1.5 million.

Date Completed: 9-14-05

Fiscal Analyst: Bethany Wicksall