



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5841 (Substitute H-3 as passed by the House)
Sponsor: Representative Tonya Schuitmaker
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 5-16-06

CONTENT

The bill would create the "Methamphetamine Reporting Act" to do all of the following:

- Require the Michigan Department of State Police (MSP) to collect and compile information regarding methamphetamine manufacture, use, possession, and distribution from various State departments and law enforcement agencies.**
- Specify that the Act would not authorize the disclosure of privileged or restricted information, except to the Federal government to secure Federal funding.**
- Require the MSP to report annually to the Legislature regarding methamphetamine trends in Michigan, and make the report publicly available on the MSP website.**

The bill would take effect on October 1, 2006.

The MSP would have to compile information regarding the manufacture, use, possession, and distribution of methamphetamine in Michigan. The Department would have to obtain information from itself; the Departments of Community Health, Human Services, Natural Resources, Environmental Quality, and Corrections; and each local police agency in Michigan. ("Local police agency" would mean 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 MSP would have to provide, and require each entity mentioned above to provide to it, information regarding all of the following, as applicable:

- 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 an individual under 18 years of age was present at the scene when the incident occurred.

The MSP would have to implement procedures to ensure that the information provided was coordinated to prevent duplicative information from being obtained. Each agency would have to report required information to the MSP in the manner required by the Department.

The bill states that it would not require or authorize the disclosure of information that was privileged or otherwise restricted by law. Except as otherwise provided in the bill, information submitted to the MSP by a State or local department or agency would be confidential and not subject to disclosure under the Freedom of Information Act. The MSP would have to provide information obtained under the proposed Act, however, to the United States Department of Justice or an entity designated by that Department, in the manner required by that Department or entity, for the purpose of obtaining Federal funds.

The MSP would have to file a written report by April 1 of each year with the Secretary of the Senate and the Clerk of the House of Representatives, using the information obtained under the bill, identifying trends in methamphetamine manufacture, use, and distribution in Michigan and making recommendations to the Legislature regarding possible solutions to those problems. The Department would have to make a copy of the report available to the public on its website.

The Department could promulgate rules to implement the proposed Act.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the Department of State Police, local law enforcement and other State departments due to the requirement that certain data be compiled and forwarded to the Department. The Department would also incur some costs in preparing an annual report as required under the bill.

Fiscal Analyst: Bruce Baker

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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.