

Legislative Analysis



TRAVELING FROM ANOTHER STATE WITH INTENT TO DELIVER SCHEDULE 1 AND 2 DRUGS

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House Bill 4889

Sponsor: Rep. Edward McBroom

Committee: Criminal Justice

Complete to 9-17-13

A SUMMARY OF HOUSE BILL 4889 AS INTRODUCED 6-20-13

The bill would provide an enhanced penalty for a person convicted of an aggravated controlled substance offense if the person travelled from another state to Michigan with the intent to deliver narcotics, cocaine, or other Schedule 1 and 2 controlled substances.

House Bill 4889 would amend Chapter XVII of the Code of Criminal Procedure (MCL 777.45), entitled "Sentencing Guidelines" to revise the points scored for Offense Variable 15 (aggravated controlled substance offenses) to require 50 points to be scored if the offense involved traveling from another state to Michigan with the intent to deliver any mixture containing a controlled substance classified in Schedule 1 or 2 of the Public Health Code. Schedules 1 and 2 include narcotic drugs, hallucinogens, cocaine, methamphetamines, and various so-called "party drugs" or "designer drugs" such as GHB (the date rape drug), CAT, ecstasy, and bath salts.

FISCAL IMPACT:

There could be increased costs for state and local correctional systems. Information is not available on the number of persons that would incur the additional points. The additional points would not change the maximum sentence, but depending on an offender's prior record and other elements of the crime for which points are scored, the bill could impact where a particular offender falls on the sentencing grid. As a result, some offenders who now would be eligible for probation may incur incarceration in a county jail, some who now would be sent to a county jail would go to prison instead, and any going to prison may have to serve a longer minimum sentence before being eligible for parole.

The average cost of prison incarceration in a state facility is roughly \$35,500 per prisoner per year, a figure that includes various fixed administrative and operational costs. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. State costs for parole and felony probation supervision average about \$3,000 per supervised offender per year.

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