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BILL



ANALYSIS

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House Bill 4769 (as passed by the House)
Sponsor: Representative Edward McBroom
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 4-18-16

CONTENT

The bill would amend the Public Health Code to establish an enhanced penalty for manufacturing methamphetamine in the vicinity of a school or library.

Under the bill, a person at least 18 years of age who manufactured methamphetamine on or within 1,000 feet of school property or a library would have to be punished by a term of imprisonment or a fine, or both, of up to twice that authorized by the Code for the manufacturing offense. The penalty would apply to any substance that contained any quantity of methamphetamine, including its salts, stereoisomers, and salts of stereoisomers. (Under the Code, a person who manufactures, creates, or delivers methamphetamine, or possesses methamphetamine with intent to manufacture, create, or deliver a controlled substance, is guilty of a felony punishable by up to 20 years' imprisonment and/or a maximum fine of \$25,000.)

The Code defines "school property" as a building, playing field, or property used for school purposes to impart instruction to children in kindergarten through 12th grade, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses. "Library" means a library that is established by the State; a county, city, township, village, school district, or other local unit of government or authority or combination of local units and authorities; a community college district; a college or university; or any private library open to the public.

MCL 333.7410

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a negative fiscal impact on State and local government. An increase in felony prosecutions and convictions could increase resource demands on local court systems, law enforcement, and prisons. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. In the long term, if the increased intake of prisoners increased the total prisoner population enough to require the Department of Corrections to open a housing unit or an entire facility, the marginal cost to State government would be approximately \$34,550 per prisoner per year. Any increase in fine revenue would be dedicated to public libraries.

Fiscal Analyst: Ryan Bergan

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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.