

Legislative Analysis



VENUE FOR PROSECUTION OF DELIVERY OF A CONTROLLED SUBSTANCE CAUSING DEATH

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Senate Bills 14 and 15 as reported from House committee

Sponsor: Sen. Dale Zorn

House Committee: Judiciary

Senate Committee: Judiciary and Public Safety

Complete to 12-7-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bills 14 and 15 would respectively amend Chapter XLV (Homicide) of the Michigan Penal Code and Chapter II (Courts) of the Code of Criminal Procedure to specify venue for the prosecution of delivery of a Schedule 1 or 2 controlled substance, except marijuana, that causes the death of another person.

Currently under the Michigan Penal Code, a person who delivers to another person a Schedule 1 or 2 controlled substance, other than marijuana, that is consumed by that person or any other person and causes their death is guilty of a felony punishable by imprisonment for life or any term of years.

The bills would provide that a violation described above could be prosecuted in the county in which any of the following occurred:

- Delivery of the controlled substance was made.
- The controlled substance was consumed.
- The death occurred that was caused by the delivery of the controlled substance.

Each bill would take effect 90 days after its enactment. The bills are tie-barred to one another, which means that neither could take effect unless both were enacted.

MCL 750.317a (SB 14)
Proposed MCL 762.5a (SB 15)

HOUSE COMMITTEE ACTION:

The House Judiciary committee reported the Senate-passed versions of the bills without amendment.

BACKGROUND:

A controlled substance is placed in Schedule 1 if it has high potential for abuse and has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision. A Schedule 2 controlled substance also has high potential for abuse, and its abuse may lead to severe psychic or physical dependence, but it has currently accepted medical use in treatment in the United States, including medical use with severe

restrictions. Sections 7212 and 7214 of the Public Health Code list the substances that are included in Schedule 1 and Schedule 2, respectively.¹

FISCAL IMPACT:

The bills would have no fiscal impact on the state or on local units of government.

POSITIONS:

A representative of the Monroe County Prosecutor's Office testified in support of the bills. (10-26-21)

The Prosecuting Attorneys Association of Michigan indicated support for the bills. (10-26-21)

The following entities indicated opposition to the bills:

- ACLU of Michigan (5-17-22)
- Criminal Defense Attorneys of Michigan (10-26-21)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

¹ <http://legislature.mi.gov/doc.aspx?mcl-333-7212> and <http://legislature.mi.gov/doc.aspx?mcl-333-7214>