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BILL ANALYSIS

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Senate Fiscal Agency

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House Bill 4317 (Substitute S-1 as reported)**Sponsor:** Representative Floyd Clack**House Committee:** Judiciary**Senate Committee:** Judiciary**Date Completed:** 12-15-87**RATIONALE**

The Revised Judicature Act provides that any building, vehicle, or place used for the unlawful manufacture, storage, possession, transportation, sale, or other disposal of any narcotic and/or hypnotic drug is a "nuisance" subject to padlocking under court order. Reportedly, however, the nuisance abatement law is of limited usefulness in closing dope houses other than those where heroin trafficking is involved, because the term "narcotic and/or hypnotic drug" is generally taken to mean opiates. In its 1987 Drug Task Force Report, the Prosecuting Attorneys Association of Michigan recommended that the law refer instead to "controlled substances", which would cover places where cocaine, "crack", and other drugs are bought and sold.

trafficking occurs. By enabling law enforcement to shut down dope houses where other drugs — particularly cocaine and marihuana — are bought and sold, the bill would give communities one more tool to fight the war against illegal drugs.

Legislative Analyst: S. Margules**Fiscal Analyst:** B. Bowerman

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.

CONTENT

The bill would amend the Revised Judicature Act to replace references to "narcotic and/or hypnotic drug" with "controlled substances" (as defined in the Public Health Code) in the section of the Act under which any place used for the unlawful manufacture, storage, possession, transportation, sale or other disposal of a narcotic and/or hypnotic drug is a nuisance.

The bill would take effect April 1, 1988.

MCL 600.3801

SENATE COMMITTEE ACTION

The Senate Judiciary Committee adopted a substitute that would replace the term "narcotic and/or drug" with "controlled substances". As passed by the House, the bill also would have deleted the reference to "storing, possessing, ...giving away, ...or otherwise disposing of" a narcotic and/or hypnotic drug, while keeping the reference to "transporting, sale, keeping for sale, ...bartering, [or] furnishing" a narcotic and/or hypnotic drug.

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

ARGUMENTS**Supporting Argument**

Dope houses are a plague upon the city neighborhoods in which they are found. Drug trafficking, violent crime, and theft endanger and disrupt the lives of law-abiding citizens, and the appearance of dope houses can put an entire neighborhood into decline. Although an expeditious and useful tool to combat the problem is provided by the nuisance law, without the bill's amendments the law is useful only against dope houses where opiate (heroin)

H.B. 4317 (12-15-88)