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**SFA****BILL ANALYSIS**

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Senate Bill 3 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Senator Michael J. Bouchard

Committee: Judiciary

## **CONTENT**

The bill would amend the Public Health Code to include public parks within the Code's drug-free school zone enhanced penalty provisions and reduce the age at which enhanced penalties apply for delivering certain drugs to a minor and for delivery or possession of certain drugs in or near school zones. The bill would take effect on June 1, 1997.

The Code provides for enhanced penalties when a person 18 or older delivers or possesses with intent to deliver less than 50 grams of a mixture containing a Schedule 1 or 2 narcotic or cocaine to a minor who is a student on or within 1,000 feet of school property. The bill would include delivery and possession with intent to deliver to a minor who was in a public park or within 1,000 feet of a public park, and would reduce to 17 the minimum age at which those enhanced penalties apply. Also, an individual at least 18 who possesses less than 25 grams of a mixture containing a Schedule 1 or 2 narcotic or cocaine or who possesses any other controlled substance on school property must be punished by a term of imprisonment or a fine, or both, of not more than twice that authorized for the underlying offense. The bill would include possession in a public park in that provision and would reduce to 17 the minimum age at which the enhanced penalty applies.

In addition, regardless of where a violation occurs, enhanced penalties apply if a person at least 18 delivers or distributes less than 50 grams of a mixture containing a Schedule 1 or 2 narcotic or cocaine to a person under 18 who is at least three years younger than the offender; or if a person at least 18 delivers or distributes any other controlled substance to someone under 18 who is at least three years his or her junior. The bill would reduce to 17 the minimum age of an offender subject to the enhanced penalties, and make them applicable to delivery to person under 18 who was at least two years younger than the offender.

MCL 333.7410

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The bill could increase costs for the Department of Corrections as a result of the enhanced sanctions and lower age limit for violators of the bill's provisions. There are no data currently available on the potential number of enhanced sentences that could result from the commission of a drug crime at or near a public park. As a comparison, for the identical enhancement provision for the commission of a drug crime at or near a school, since 1991, there have been 31 convictions in circuit court, five receiving a prison sentence, the others probation or jail. The cost of this bill would be the cost of the additional sentence lengths that could be imposed as a result of the public park enhancement provision.

Date Completed: 2-18-97

Fiscal Analyst: M. Hansen