

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 680 (Substitute S-1 as reported)
Sponsor: Senator Dale L. Shugars
Committee: Judiciary

Date Completed: 4-16-98

RATIONALE

Michigan criminal law includes enhanced penalties for drug violations committed on or near school property. The possession and use of firearms also are restricted on school grounds. These measures were enacted to provide children with a safe and insulated environment in the area where they spend much of their day--the school and its surrounding property. Alcohol, however, is perhaps an even bigger threat to the health and safety of children. Although the possession, purchase, and consumption of alcohol by minors are illegal, there is nothing in statute specifically prohibiting an adult 21 years of age or older from possessing or consuming alcohol on school grounds. Some people feel that, in order to provide greater protection to the school environment of Michigan's children, there should be legal procedures to forbid the consumption or possession of alcohol on school property, regardless of a person's age.

CONTENT

The bill would amend the Michigan Liquor Control Act to prohibit the consumption or possession of alcohol on school property if both of the following circumstances existed:

- The school district adopted a formal policy prohibiting the consumption and possession of alcohol on the district's school property.
- The school district posted a conspicuous sign at all entrances to school property, including each public entrance to a school building, stating that consumption and possession of alcohol were prohibited.

A violation of the prohibition would be a misdemeanor, punishable by up to 93 days' imprisonment, a maximum fine of \$200, or both. The bill specifies that it would not prohibit an individual from being convicted of or found

responsible for any other violation of law that arose out of the same transaction as a violation of the bill.

The bill would not apply to the consumption or possession of alcohol as part of a generally recognized religious service held on school property.

"School district" would mean a school district, local act school district, or intermediate school district, as those terms are defined in the Revised School Code; a public school academy; or a consortium or cooperative arrangement between any combination of districts and academies. "School property" would mean a building, facility, or structure and other real estate owned, leased, or otherwise controlled by a school district, but would not include a private residence.

Proposed MCL 436.34b

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Schools and schoolyards are currently "free zones" from guns and drugs, and Michigan statutes specifically prohibit and penalize violations of those prohibitions. Alcohol, though, is perhaps an even greater danger to the State's youths. While consumption, purchase, and possession of alcohol already are prohibited by State law, children can be influenced and enticed by what adults do around them. Allowing alcohol to be brought onto school property (during and before Friday night football games, for instance) can send a message to children that this behavior is acceptable, and they may emulate the adults. In order to promote a safe environment for children in and around their

schools, State law should include procedures by which a local school district could ban alcohol on school property.

The bill would address this problem in a reasonable manner, by authorizing each school district to forbid alcohol and post signs announcing the ban; it would not mandate a Statewide ban on school property. By using this approach, each locality could decide whether it should prohibit alcohol or would want to allow its possession and use for such events as school fund raisers and use of school facilities as a community center or banquet facility. In addition, the bill would address only public school districts, so it would not subject private or parochial schools to any further perceived government interference with their operation.

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 680 (S-1) would have an indeterminate fiscal impact on local government. The proposed legislation would create a new misdemeanor punishable by a jail term of not more than 93 days and/or a fine of not more than \$200. Thus, local government would have either increased costs of incarceration or additional fine revenue, or both. Costs of incarceration vary by county, and the number of people possibly subject to conviction under the proposed legislation is unknown at this time.

Fiscal Analyst: K. Firestone

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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.