

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 1105 (as introduced 5-5-98)
Sponsor: Senator Dale L. Shugars
Committee: Health Policy and Senior Citizens

Date Completed: 5-5-98

CONTENT

The bill would amend the Public Health Code to make it a felony to deliver a controlled substance to a person in order to commit or attempt to commit criminal sexual conduct; and classify flunitrazepam as a Schedule 4 controlled substance.

The bill provides that a person who, without an individual's consent, delivered a controlled substance or caused a controlled substance to be delivered to that individual to commit or attempt to commit against that individual first-, second-, third-, or fourth-criminal sexual conduct, or assault with intent to commit criminal sexual conduct, would be guilty of a felony, punishable by imprisonment for up to 20 years. A conviction or sentence under the bill would not prohibit a conviction or sentence for any other crime arising out of the same transaction. The violation and penalty in the bill would apply regardless of whether the person was convicted of a criminal sexual conduct violation or attempted violation.

The bill would classify flunitrazepam as a Schedule 4 controlled substance. Under the Code, a substance must be placed in Schedule 4 if it has a low potential for abuse relative to Schedule 3 substances (which may lead to moderate or low physical dependence or high psychological dependence); if it has a currently accepted medical use in the United States; and if abuse of the substance may lead to limited physical or psychological dependence relative to Schedule 3 substances. Schedule 4 substances include such things as phenobarbital, barbital, chloral hydrate, and diazepam.

The bill would take effect September 1, 1998.

MCL 333.7218 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

Senate Bill 1105 would have an indeterminate fiscal impact on State and local government.

There are no data to indicate how many people may be convicted of using a controlled substance to commit a criminal sexual conduct violation, a new crime created by the bill, nor are there data to indicate the average minimum sentence patterns for this new crime. However, the new crime would not prevent conviction under other sections of law and, therefore, could increase the length of incarceration.

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.