



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



BILL ANALYSIS

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

Senate Bill 423 (as introduced 4-26-05)  
House Bill 4673 (Substitute H-1 as passed by the House)  
Sponsor: Senator Jud Gilbert, II (S.B. 423)  
Representative Phillip Pavlov (H.B. 4673)  
Senate Committee: Judiciary  
House Committee: Judiciary (H.B. 4673)

Date Completed: 9-12-05

### **CONTENT**

**House Bill 4673 (H-1) and Senate Bill 423 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to establish a criminal penalty of up to life in prison for the delivery of a Schedule 1 or 2 controlled substance that caused the death of a person who consumed the substance.**

Senate Bill 423 is tie-barred to the House bill, which would take effect January 1, 2006.

#### **House Bill 4673 (H-1)**

Under the bill, a person who violated the Public Health Code by delivering a Schedule 1 or 2 controlled substance, other than marijuana, to another person would be guilty of a felony punishable by imprisonment for life or any term of years if the substance were consumed by the person to whom it was delivered or any other person and caused the death of the person who consumed it.

(Schedule 1 includes controlled substances that have a high potential for abuse and have not accepted medical use in treatment in the United States or lack accepted safety for use in treatment under medical supervision. Schedule 2 includes controlled substances that have a high potential for abuse; have currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and the abuse of which may lead to severe psychic or physical dependence.)

#### **Senate Bill 423**

The bill would include the felony proposed by House Bill 4673 (H-1) in the sentencing guidelines. Under the Senate bill, delivery of a controlled substance causing death would be a Class A felony against a person, with a statutory maximum sentence of imprisonment for life.

Proposed MCL 750.317a (H.B. 4673)  
MCL 777.16p (S.B. 423)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of delivery of a controlled substance causing death. The proposed felony would be a Class A offense with a sentencing guidelines minimum sentence range from 21-35 months to 270 months-life. Local units of government incur the cost of incarceration in a local facility, which varies by county. The State incurs the cost of felony probation at an average annual cost of \$2,000 as well as the cost of incarceration in a State facility, which for FY 2005-06 will have an average annual cost of approximately \$30,000. Depending on the length of sentence, age at incarceration and life expectancy, the total cost of incarceration for each offender convicted and sentenced to prison could total anywhere from \$52,500 to \$1.5 million.

Fiscal Analyst: Bethany Wicksall

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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.