



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 1158 and 1159 (as introduced 11-9-16)
Sponsor: Senator Steven Bieda
Committee: Judiciary

Date Completed: 12-6-16

CONTENT

Senate Bill 1158 would amend the Public Health Code to delete a particular controlled substance violation from a provision requiring imprisonment for life and prohibiting eligibility for probation, suspension of sentence, or parole, for a repeat offense.

Senate Bill 1159 would amend the Corrections Code to provide that a person who had been sentenced to life without parole for the violation addressed by Senate Bill 1158 would be eligible for parole after serving five years of each sentence imposed for that violation.

The bills are tie-barred and each would take effect 90 days after its enactment.

Senate Bill 1158

Under the Public Health Code, a person who has previously been convicted of any of the following offenses and then is convicted of a second or subsequent violation of any of those offenses must be imprisoned for life and is not eligible for probation, suspension of sentence, or parole during the mandatory term:

- Manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver 450 grams or more, but less than 1,000 grams, of a mixture containing a Schedule 1 or 2 controlled substance or cocaine.
- Manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver 50 grams or more, but less than 450 grams, of a mixture containing a Schedule 1 or 2 controlled substance or cocaine.
- Knowingly and intentionally possessing 450 grams or more, but less than 1,000 grams, of a mixture containing a Schedule 1 or 2 controlled substance or cocaine.
- Knowingly and intentionally possessing 50 grams or more, but less than 450 grams, of a mixture containing a Schedule 1 or 2 controlled substance or cocaine.
- A conspiracy to commit any of the offenses described above.

The bill would delete from that provision a violation involving 50 grams or more, but less than 450 grams.

(The penalty for a first violation involving 450 grams or more, but less than 1,000 grams, is up to 30 years' imprisonment and/or a maximum fine of \$500,000. The penalty for a first violation involving 50 grams or more, but less than 450 grams, is up to 20 years' imprisonment and/or a maximum fine of \$250,000.)

Senate Bill 1159

Under the Corrections Code, a prisoner generally is subject to the jurisdiction of the parole board when he or she has served a period of time equal to the minimum sentence imposed by the court for the crime of which he or she was convicted. A prisoner sentenced to imprisonment for life for certain crimes is not eligible for parole. These include any violation for which parole eligibility is expressly denied under State law.

Under the bill, a person who was convicted of manufacturing, creating, delivering, possessing with intent to deliver, or possessing 50 grams or more, but less than 450 grams, of a mixture containing a Schedule 1 or 2 controlled substance or cocaine, who had a prior conviction for one of those offenses, and who was sentenced to life without parole according to the law as it existed before the bill's effective date, would be eligible for parole after serving five years of each sentence imposed for the violation.

The parole board would have to provide notice to the prosecuting attorney of the county in which the person had been convicted, before granting parole to a person to whom the bill would apply.

MCL 333.7413 (S.B. 1158)
791.234 (S.B. 1159)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills could have a positive fiscal impact on the State and would have no fiscal impact on local government. The amount of savings to State government would depend on how many individuals would not be sentenced to prison in the future and how many would be paroled. For any decrease in prison intakes or increase in paroles, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. In the long term, if the decreased intake of prisoners (or increase in paroles) reduced the total prisoner population enough to allow the Department of Corrections to close a housing unit or an entire facility, the marginal savings to State government would be approximately \$34,550 per prisoner per year.

Fiscal Analyst: Ryan Bergan

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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.