



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bills 1245 through 1247 (as reported without amendment)  
Sponsor: Senator Mike Shirkey  
Committee: Michigan Competitiveness

**CONTENT**

Senate Bill 1245 would enact the "Law Enforcement Access to Michigan Automated Prescription System Data Act" to do the following:

- Require the Department of State Police (MSP) to establish policies and promulgate rules governing the security of the data, after receiving it from the Department of Licensing and Regulatory Affairs (LARA).
- Require the MSP, among other things, to ensure that data were used by law enforcement officials, and to provide LARA with certain information in the event of a security breach of the data.
- Allow the MSP to provide data obtained through the application program interface to law enforcement officials under certain circumstances.
- Prohibit a person from accessing using, or disclosing data obtained under the Act for personal use or gain, or disclosing data in a manner that was not authorized by law or rule, and prescribe criminal penalties for a violation.

Senate Bill 1246 would amend the sentencing guidelines in the Code of Criminal Procedure to include the felony proposed under Senate Bill 1245 as a Class F crime against the public trust with a statutory maximum of four years' imprisonment.

Senate Bill 1247 would amend the Public Health Code to require the Director of LARA to provide a law enforcement officer who was employed by the MSP with access to an application program interface for monitoring controlled substances.

Senate Bills 1245 and 1247 are tie-barred. Senate Bill 1246 is tie-barred to Senate Bill 1245.

MCL 777.11b (S.B. 1246)  
333.7109 & 333.7333a (S.B. 1247)

Legislative Analyst: Jeff Mann

**FISCAL IMPACT**

Senate Bill 1245 would result in \$200,000 in required software programming costs for the Department of State Police (MSP). The bill would require the MSP to receive Michigan Automated Prescription System (MAPS) data through an application program interface from Department of Licensing and Regulatory Affairs (LARA). The MSP then could use real time access to MAPS to, in part, monitor Schedule 2, 3, 4, and 5 controlled substance prescription activity for incidences of suspicious obtaining of prescriptions, which could require investigation.

Under the bill, the MSP could provide data obtained by it through the application program interface, under certain circumstances, to a law enforcement official, the Attorney General, a prosecuting attorney, or a court.

The MSP would be required to ensure that data obtained under the bill were only used for purposes stated under the bill, to establish policies and promulgate rules governing the security of the data, and to provide notice to LARA of a security breach of the data.

To the extent that changes in the bill lead to increased misdemeanor and felony arrests and prosecutions, the bill could increase resource demands on law enforcement, court systems, jails, and correctional facilities. However, it is unknown how many people would be prosecuted under provisions of the bill. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$5,315 per prisoner per year. Any increased penal fine revenue would be dedicated to public libraries.

Senate Bill 1246 would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law). According to one interpretation of that decision, the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Senate Bill 1247 would have a negative fiscal impact on LARA. The Department expects to create an interagency agreement with the MSP. The MSP would reimburse LARA for the costs associated with the project. The Department of Licensing and Regulatory Affairs expects an initial cost of \$100,000, as well as \$75,000 per year in ongoing support and maintenance costs; however, these costs could vary depending on the number of users.

Date Completed: 12-6-18

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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.