

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bill 246 (as enrolled)
Sponsor: Senator Dale L. Shugars
Senate Committee: Education
House Committee: Education

PUBLIC ACT 274 of 1999

Date Completed: 1-5-00

CONTENT

The bill amended the Michigan Liquor Control Code to prohibit a person from consuming alcoholic liquor on school property, or possessing alcoholic liquor on school property with the intent to consume it there. A violation is a misdemeanor punishable as follows:

- Imprisonment for up to 93 days, a maximum fine of \$250, or both, if the person has no prior convictions.
- Imprisonment for up to 93 days, a maximum fine of \$500, or both, if the person has one prior conviction.
- Imprisonment for up to one year, a maximum fine of \$1,000, or both, if the person has two or more prior convictions.

(The bill defines "prior conviction" as a conviction for violating this section of the Penal Code or a substantially corresponding local ordinance.)

The bill specifies that it does not prohibit the consumption or possession of alcoholic liquor on school property under either of the following circumstances:

- As part of a generally recognized religious service or religious ceremony.
- At a nonschool function or event on school property if the superintendent of the school district or, if the school is not operated by a school district, the administrator of the school, or his or her designee, has approved consuming alcoholic liquor on school property or possessing alcoholic liquor on school property with the intent to consume it on school property during that function or event.

The bill does not apply to a minor who could be subject to prosecution under Section 703 of the Michigan Liquor Control Code (which prohibits a minor from purchasing, consuming, or possessing, or attempting to purchase, consume, or possess alcoholic liquor).

The bill specifies that it does not prohibit an individual from being convicted of or found responsible for any other violation of law arising out of the same transaction as the violation of the bill.

The bill defines "school" as a public school offering developmental kindergarten, kindergarten, or any grade from 1 through 12. "School property" means a building, playing field, vehicle, or other property used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

MCL 436.1904

Legislative Analyst: S. Lowe

FISCAL IMPACT

Senate Bill 246 will have an indeterminate fiscal impact on local government. The legislation creates a new misdemeanor punishable by a maximum jail term of 93 days or one year and/or a maximum fine of \$250, \$500, or \$1,000, depending on the number of prior convictions. Thus, local government will have either increased costs of incarceration or additional fee revenue. Costs of incarceration vary by county, and the number of people possibly subject to conviction under the bill 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.