

Fiscal Analysis

METHAMPHETAMINE MANUFACTURING



Bill/Sponsor **SENATE BILL 648 with House committee amendment**, Sen. Bruce Patterson
SENATE BILL 649 with House committee amendment, Sen. Patricia Birkholz
SENATE BILL 650 with House committee amendment, Sen. Alan Cropsey
SENATE BILL 651 with House committee amendment, Sen. Alan Sanborn
SENATE BILL 652 with House committee amendment, Sen. Ron Jelinek
SENATE BILL 698 with House committee amendment, Sen. Michael D. Bishop
SENATE BILL 777 with House committee amendment, Sen. Thomas George

House Committee Criminal Justice

Analysis **Summary**

The bills constitute a package of legislation to enhance penalties and other responses to manufacture of methamphetamine (meth).

Senate Bill 648 would amend the Housing Law of Michigan to require environmental inspection (and closure if necessary) of meth lab premises, and to require the departments of community health and environmental quality to promulgate rules to implement the bill.

Senate Bill 649 would amend the Public Health Code to increase the maximum term of imprisonment and decrease the maximum allowable fine for offenses involving manufacture of methamphetamine. The violation would be punishable by up to 20 years' imprisonment and/or a fine of up to \$25,000, rather than the current 10 years/\$100,000.

Senate Bill 650 would amend the Public Health Code to establish felony penalties for possession of certain amounts of pseudoephedrine. At present, illicit possession of more than 10 grams of ephedrine is a two-year felony. Under the bill, possession of more than 12 grams of ephedrine or pseudoephedrine would be proscribed.

Senate Bill 651 would amend the Code of Criminal Procedure to establish sentencing guidelines consistent with SB 650.

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Senate Bill 652 would amend the Michigan Penal Code to make it a felony to possess or transport anhydrous ammonia in a non-approved container or to tamper with an approved container. The offense would be punishable by imprisonment for up to four years, a fine of up to \$5,000, or both.

Senate Bill 698 would amend the Code of Criminal Procedure to establish sentencing guidelines consistent with SB 649. Under the bill, recommended minimum sentence ranges for maintaining or operating a meth lab would vary from 0 – 8 months (for which a local sanction is mandated) to 117 – 160 months (for which a prison term is required), depending on the circumstances of the offense and the offender's prior record.

Senate Bill 777 would amend the Code of Criminal Procedure to establish sentencing guidelines consistent with SB 652. Under the bill, recommended minimum sentence ranges for the applicable anhydrous ammonia offenses would vary from 0 – 3 months (for which a local sanction is mandated) to 17 – 30 months (for which a prison term is required), depending on the circumstances of the offense and the offender's prior record.

Fiscal Impact

The bills would have an indeterminate fiscal impact on the state and local units of government. There are no data to indicate the numbers of convictions that might be obtained under the various bills, nor to suggest how prosecutorial charging practices and relevant facts might affect actual sentences imposed. Changes in collections of penal fines would affect the amount of fine revenues going to local libraries, which are the constitutionally-designated recipients of those revenues. Changes in the frequency and duration of jail sentences would affect counties; jail costs vary with location. Changes in the numbers of felony probationers would affect the Department of Corrections; the Department reported the costs of parole/probation supervision to average \$1,982 annually in Fiscal Year 2002-03. Changes in the numbers or duration of prison sentences would affect the Department of Corrections; annual costs of prison incarceration average roughly \$27,000 per prisoner, and depend on security level.

Analyst(s)

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FLOOR ANALYSIS - 12/2/03

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