



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 1175 and 1176 (as introduced 11-10-16)
Sponsor: Senator Rick Jones (S.B. 1175)
Senator Mike Shirkey (S.B. 1176)
Committee: Judiciary

Date Completed: 11-29-16

CONTENT

Senate Bill 1175 would amend the Public Health Code to include synthetic equivalents of marihuana in the penalties for the manufacture, creation, or delivery of marihuana or possession with intent to manufacture, create, or deliver marihuana.

Senate Bill 1176 would amend the Code of Criminal Procedure to include references to synthetic equivalents of marihuana in the sentencing guidelines designations for delivery or manufacture of marihuana.

Senate Bill 1176 is tie-barred to Senate Bill 1175. Each bill would take effect 90 days after its enactment.

Senate Bill 1175

The Public Health Code prohibits a person from manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver certain controlled substances. Penalties for a violation vary, depending on the substance and/or the amount of the substance.

A violation involving marihuana or a mixture containing marihuana is punishable as shown in Table 1.

Table 1

Amount of Marihuana or Marihuana Mixture	Max. Sentence ^{a)}	Max. Fine ^{a)}
At least 45 kilograms or at least 200 plants	15 years	\$10 million
At least 5 but less than 45 kilograms or at least 20 but fewer than 200 plants	7 years	\$500,000
Less than 5 kilograms or fewer than 20 plants	4 years	\$20,000
^{a)} Maximum penalty is imprisonment and/or fine		

Under the bill, those penalties also would apply for a violation involving synthetic equivalents of the substances contained in the plant, or in the resinous extractives of cannabis and synthetic substances, derivatives, and their isomers with similar chemical structure or pharmacological activity.

Senate Bill 1176

Under the Code of Criminal Procedure, violations for delivery or manufacture of marijuana are listed in the sentencing guidelines as shown in Table 2.

Table 2

Marijuana Offense	Felony Class & Category	Statutory Max. Sentence
Delivery or manufacture of 45 or more kilograms	C- controlled substance	15 years
Delivery or manufacture of 5 or more, but less than 45 kilograms	D- controlled substance	7 years
Delivery or manufacture of less than 5 kilograms or 20 plants	F- controlled substance	4 years

Under the bill, each of those sentencing guidelines designations would include delivery or manufacture of marijuana or certain synthetic equivalents.

MCL 333.7401 (S.B. 1175)
777.13m (S.B. 1176)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 1175

The bill could have a negative fiscal impact on State and local government. More felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. 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 would be approximately \$3,764 per prisoner per year. In the long term, if the increased intake of prisoners increased the total prisoner population enough to require the Department of Corrections to open a housing unit or an entire facility, the marginal cost to State government would be approximately \$34,550 per prisoner per year. Any associated increase in fine revenue would be dedicated to public libraries.

Senate Bill 1176

The bill 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 would depend on judicial decisions.

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.