



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 409 and 410 (as enrolled)
Sponsor: Senator Margaret E. O'Brien (S.B. 409)
Senator Tom Casperson (S.B. 410)
Senate Committee: Judiciary
House Committee: Criminal Justice

Date Completed: 5-19-16

CONTENT

Senate Bill 409 would amend the Public Health Code to establish a misdemeanor penalty for attempting to solicit another person to buy or obtain ephedrine or pseudoephedrine for the purpose of manufacturing methamphetamine.

Senate Bill 410 would amend the Code of Criminal Procedure to revise the MCL citation in the sentencing guideline for soliciting another person to buy or obtain ephedrine or pseudoephedrine to manufacture methamphetamine, to refer to the current felony penalty and not the proposed misdemeanor penalty.

Senate Bill 410 is tie-barred to Senate Bill 409. The bills would take effect 90 days after their enactment.

A more detailed description of Senate Bill 409 follows.

The Public Health Code prohibits a person from soliciting another person to purchase or otherwise obtain any amount of ephedrine or pseudoephedrine, knowing that it is to be used for the purpose of illegally manufacturing methamphetamine. A violation is a felony, punishable by up to 10 years' imprisonment and/or a maximum fine of \$10,000.

The bill would establish a separate penalty for attempting to solicit another to purchase or obtain ephedrine or pseudoephedrine, knowing it would be used to illegally manufacture methamphetamine. An attempted violation would be a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000.

(Section 92 of the Michigan Penal Code specifies penalties for a person who attempts to commit an offense and, in that attempt, does any act toward the commission of the offense but fails to complete the crime. Under that section, if the offense is punishable by imprisonment for five years or more, the attempt is a felony punishable by up to five years in prison or up to one year in jail.)

MCL 333.7340c (S.B. 409)
777.13m (S.B. 410)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills could result in savings to the State and an increase in costs to local government. Under current law, an attempt to commit an offense with a penalty of five years or more is punishable by up to five years in prison or up to one year in jail. For an attempt to violate this

section of the Public Health Code, Senate Bill 409 would make the offense a misdemeanor and reduce the maximum term of imprisonment to one year. If the bill increased the number of misdemeanor convictions, it could place incremental resource demands on local court systems, law enforcement, and jails. Any associated increase in fine revenue would be dedicated to public libraries.

Fiscal Analyst: John Maxwell

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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.