

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 528 (as introduced 4-20-99)
House Bill 4403 (as passed by the House)
Sponsor: Senator Mat J. Dunaskiss (S.B. 528)
Representative Michael Kowall (H.B. 4403)
Senate Committee: Judiciary
House Committee: Criminal Law and Corrections (H.B. 4403)

Date Completed: 5-4-99

CONTENT

Senate Bill 528 and House Bill 4403 would amend, respectively, the Code of Criminal Procedure and Public Act 7 of 1981, which prohibits bringing alcohol, controlled substances, and weapons into jails and the possession of those items by jail inmates, to increase the penalty for a violation of Public Act 7 and include the offenses in the Code of Criminal Procedure's sentencing guidelines provisions. House Bill 4403 would take effect on August 1, 1999.

House Bill 4403

Public Act 7 prohibits all of the following:

- Bringing into a jail, into a building appurtenant to a jail, or onto grounds used for jail purposes a weapon or other item that may be used to injure a prisoner or other person, or to assist a prisoner to escape.
- Selling or furnishing to a prisoner a weapon or other item that may be used to injure a prisoner or other person, or to assist a prisoner to escape, or disposing of a weapon in a manner that allows a prisoner access to it.
- Unless authorized by the jail's chief administrator, possession or control by a prisoner of a weapon or item that may be used to injure a prisoner or other person, or to assist a prisoner to escape.
- Except as allowed for medical or religious purposes, bringing alcohol or a controlled substance into a jail, into a building appurtenant to a jail, or onto grounds used for jail purposes; selling or furnishing alcohol or a controlled substance to a prisoner; or disposing of alcohol or a controlled substance in a manner that allows a prisoner access to it.
- Except as allowed for medical or religious purposes, possession or control by a prisoner of alcohol or a controlled substance.

A violation of the Act is a misdemeanor, punishable by up to one year's imprisonment, a maximum fine of \$500, or both. Under the bill, a violation would be a felony, punishable by up to five years' imprisonment, a maximum fine of \$1,000, or both. The bill also specifies that if a violation involved a controlled substance and were punishable by imprisonment for more than five years under the Public Health Code, the offender could not be prosecuted under Public Act 7 for that violation.

Senate Bill 528

The bill would add to the Code of Criminal Procedure's sentencing guidelines provisions the felony violations of Public Act 7 of 1981, as the provisions would be amended by House Bill 4403. Violations of the Act's prohibitions involving weapons in jails would be categorized as Class E felonies against public safety, with a statutory maximum penalty of five years' imprisonment. Violations of the Act's prohibitions involving alcohol and drugs in jails would be categorized as Class H felonies against public safety, with a statutory maximum penalty of five years' imprisonment.

MCL 777.17 (S.B. 528)
801.265 (H.B. 4403)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 528 and House Bill 4403 would have an indeterminate fiscal impact on State and local government.

The bills would increase the maximum sentence and add five crimes not previously enumerated in the sentencing guidelines. To the extent that, as a result of enumeration in the sentencing guidelines, an offender convicted under one of these sections received a longer or a shorter sentence, costs to State and local government would increase or decrease. There are no data available to indicate how many people are convicted each year of bringing a weapon to jail, furnishing a weapon to a prisoner in jail, possession of a weapon by a prisoner, furnishing contraband to a prisoner in jail, or possession of contraband by a prisoner.

In addition, to the extent that Senate Bill 528 would update language--for example, by striking the term "prisons" and instead using "correctional facilities"--the bill would have no fiscal impact.

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.