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BILL ANALYSIS

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House Bill 4228 (Substitute H-1 as passed by the House)  
Sponsor: Representative Paul Condino  
House Committee: Judiciary  
Senate Committee: Judiciary

Date Completed: 4-30-07

### **CONTENT**

The bill would amend the Code of Criminal Procedure to specify that evidence of the results of properly performed drug analysis field testing would be admissible in a preliminary examination solely to establish that the substance tested was a controlled substance. Evidence of the results of such testing would be sufficient to establish that the substance tested was a controlled substance for purposes of a preliminary examination. (A preliminary examination is a hearing to determine whether there is sufficient evidence to prosecute an accused person.)

The bill specifies that it would apply to preliminary examinations that began on or after the bill's effective date. The bill would take effect 90 days after its enactment.

Proposed MCL 766.11b

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. To the extent that offenders were held in jail for fewer days before their preliminary examination as a result of the bill, local governments would incur decreased costs of incarceration. Additionally, if more offenders were sentenced to jail instead of prison due to the availability of jail beds, the Michigan Department of Corrections (MDOC) potentially would incur decreased costs of incarceration. If these offenders were eligible for the County Jail Reimbursement Program, the MDOC would reimburse the local governments \$43.50 per day. To the extent that fewer cases would go to trial as a result of the bill, courts could see some savings in time and resources.

Fiscal Analyst: Bruce Baker  
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