

MAINTAINING A DRUG HOUSE: EXEMPTION

Phone: (517) 373-8080
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House Bill 4832 as introduced
Sponsor: Rep. Stephanie Chang
Committee: Judiciary
Complete to 12-7-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Under the bill, keeping a controlled substance for personal use would not constitute keeping or maintaining a drug house.

Michigan law prohibits keeping or maintaining a "drug house"—a structure, vehicle, or house where drugs are used, stored, or sold. Specifically, Article 7 of the Public Health Code (entitled "Controlled Substances") prohibits a person from knowingly keeping or maintaining a store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place that is frequented by persons using controlled substances in violation of Article 7 for the purpose of using controlled substances or for keeping or selling controlled substances in violation of Article 7. If prosecuted under a criminal indictment, a violation is a misdemeanor punishable by not more than two years in prison and/or a fine of not more than \$25,000 (a two-year misdemeanor is known as a high-court misdemeanor and treated like a felony). The offense may also be punished by a civil fine of not more than \$25,000 in a proceeding in the circuit court.

House Bill 4832 amends the Public Health Code to specify that the provision described above would not apply to the keeping of controlled substances only for personal use.

MCL 333.7405

FISCAL IMPACT:

Depending on the number of people that would no longer be charged with a criminal or civil offense under the provisions of the bill, the bill could result in a decrease in costs for the state and local units of government. Since high-court misdemeanors are treated like felony offenses, some offenders may be incarcerated in prison while others may serve time in a county jail and/or be placed on community sanctions such as probation. Reduced prison sentences could result in reduced costs related to the state correctional system, and fewer individuals sentenced to jail or community sanctions could result in reduced costs related to county jails and/or local misdemeanor probation supervision. The average cost of prison incarceration in a state facility is roughly \$34,800 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision average about \$3,760 per supervised offender per year. The costs of local incarceration in county jails and local misdemeanor probation supervision vary by jurisdiction. There could also be a decrease in penal fine revenues which would

decrease funding for local libraries, which are the constitutionally-designated recipients of those revenues.

If fewer offenders were assigned a civil fine under the bill, civil fine revenue would be reduced, which would impact the state's Justice System Fund (JSF). The JSF supports various justice-related endeavors in the judicial branch, and the Departments of State Police, Corrections, and Health and Human Services.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

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