



Senate Fiscal Agency  
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## BILL ANALYSIS



Telephone: (517) 373-5383  
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Senate Bill 72 (Substitute S-1)  
Senate Bill 73 (Substitute S-1)  
Senate Bill 220 (as introduced 3-8-17)  
Sponsor: Senator Steven Bieda  
Committee: Judiciary

Date Completed: 3-14-17

**CONTENT**

**Senate Bill 73 (S-1) would amend Article 7 (Controlled Substances) of the Public Health Code to remove several controlled substance violations from a provision that requires imprisonment for life and prohibits eligibility for probation or parole for a repeat offense.**

**Senate Bill 72 (S-1) would amend the Corrections Code to provide that a prisoner who had been sentenced to life without parole for a violation addressed by Senate Bill 73 (S-1) would be eligible for parole after serving five years of each sentence imposed for that violation.**

**Senate Bill 220 would amend the sentencing guidelines in the Code of Criminal Procedure to change a citation to the Michigan Compiled Laws section that Senate Bill 73 (S-1) would amend.**

Each bill would take effect 90 days after its enactment. Senate Bills 72 (S-1) and 73 (S-1) are tie-barred. Senate Bill 220 is tie-barred to Senate Bill 73.

Senate Bills 72 (S-1) and 73 (S-1) are described in more detail below.

**Senate Bill 73 (S-1)**

Under Section 7413(1) of the Public Health Code, a person who has previously been convicted of any of the following offenses and then is convicted of a second or subsequent violation of any of those offenses must be imprisoned for life and is not eligible for probation, suspension of sentence, or parole during the mandatory term:

- Manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver 450 grams or more, but less than 1,000 grams, of a mixture containing a Schedule 1 or 2 controlled substance or cocaine.
- Manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver 50 grams or more, but less than 450 grams, of a mixture containing a Schedule 1 or 2 controlled substance or cocaine.
- Knowingly and intentionally possessing 450 grams or more, but less than 1,000 grams, of a mixture containing a Schedule 1 or 2 controlled substance or cocaine.
- Knowingly and intentionally possessing 50 grams or more, but less than 450 grams, of a mixture containing a Schedule 1 or 2 controlled substance or cocaine.
- A conspiracy to commit any of the offenses described above.

The bill would delete that provision.

Currently, except as provided for the offenses listed above (and certain other controlled substance violations), an individual convicted of a second or subsequent offense under Article 7 of the Code may be imprisoned for a term of up to twice the term otherwise authorized or fined up to twice the amount otherwise authorized, or both. Under the bill, this also would apply to the offenses listed above.

(The penalty for a first violation involving 450 grams or more, but less than 1,000 grams, is up to 30 years' imprisonment and/or a maximum fine of \$500,000. The penalty for a first violation involving 50 grams or more, but less than 450 grams, is up to 20 years' imprisonment and/or a maximum fine of \$250,000.)

### **Senate Bill 72 (S-1)**

Under the Corrections Code, a prisoner generally is subject to the jurisdiction of the parole board when he or she has served a period of time equal to the minimum sentence imposed by the court for the crime of which he or she was convicted. A prisoner sentenced to life imprisonment for certain crimes is not eligible for parole. These crimes include any offense for which parole eligibility is expressly denied under State law.

Under the bill, a prisoner who was convicted of manufacturing, creating, delivering, possessing with intent to deliver, or knowingly and intentionally possessing, 50 or more but less than 450 grams, or 450 or more but less than 1,000 grams, of a mixture containing a Schedule 1 or 2 controlled substance or cocaine, who had a prior conviction for one of those offenses, and who was sentenced to life without parole under Section 7413(1) of the Public Health Code according to that section as it existed before the bill's effective date, would be eligible for parole after serving five years of each sentence imposed for the violation.

Before granting parole to a prisoner subject to the bill, the parole board would have to notify the prosecuting attorney of the county in which the prisoner had been convicted (as currently required in other cases involving parole eligibility for certain drug offenses).

MCL 791.234 (S.B. 72)  
333.7413 (S.B. 73)  
777.18 (S.B. 220)

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

#### **Senate Bills 72 (S-1) and 73 (S-1)**

The bills could have a positive fiscal impact on the State and would have no fiscal impact on local government. The proposed changes could reduce the length of sentences for prisoners convicted of the relevant offenses. For any reduction in time served, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year.

#### **Senate Bill 220**

The bill would have no fiscal impact on State or local government.

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.