



Senate Fiscal Agency
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Lansing, Michigan 48909-7536

BILL ANALYSIS



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Senate Bills 409 and 410 (as reported without amendment)
Sponsor: Senator Margaret E. O'Brien (S.B. 409)
Senator Tom Casperson (S.B. 410)
Committee: Judiciary

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.

Section 7340c of the 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.

Senate Bill 410 would amend the Code of Criminal Procedure to revise the MCL citation in the sentencing guidelines for soliciting another person to buy or obtain ephedrine or pseudoephedrine to manufacture methamphetamine. The bill would refer to the current felony and not the proposed misdemeanor. The bill is tie-barred to Senate Bill 409.

Each bill would take effect 90 days after its enactment.

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

Legislative Analyst: Suzanne Lowe

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, if no other punishment is specified. For an attempt to violate Section 7403c 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.

Date Completed: 9-30-15

Fiscal Analyst: John Maxwell