

TRANSPORT OF USABLE MARIHUANA: REPEAL

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House Bill 4606 as introduced
Sponsor: Rep. Peter J. Lucido
Committee: Law and Justice
Complete to 9-11-17

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

SUMMARY:

House Bill 4606 would amend the Michigan Penal Code to repeal Section 474 which regulates the transport of usable marihuana in a vehicle or any self-propelled vehicle designed for land travel.

Section 474 prohibits a person from transporting or possessing usable marihuana in or upon a vehicle unless the usable marihuana is enclosed in a case carried in the vehicle's trunk or enclosed in a case that is not readily accessible from the interior of the vehicle (if the vehicle does not have a trunk). "*Usable marihuana*" is defined in Section 3 of the Michigan Medical Marihuana Act (MMMA) as the dried leaves, flowers, plant resin, or extract of the marihuana plant, but does not include the seeds, stalks, and roots of the plant. A violation is a misdemeanor punishable by imprisonment for not more than 93 days and/or a fine of not more than \$500.

Section 474 would be repealed 90 days after the bill took effect.

(Note: Section 474 references the term "usable marihuana" as defined in the Michigan Public Health Code at MCL 333.26423. However, MCL 333.26423 is contained within the Michigan Medical Marihuana Act, not the Public Health Code.)

FISCAL IMPACT:

Repealing section 474 of the Michigan Penal Code could result in a decrease in costs for local units of government. Reduced misdemeanor charges would result in reduced costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in county jails and local misdemeanor probation supervision vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. There could also be a decrease in penal fine revenues, which would decrease funding for local libraries, the constitutionally designated recipients of those revenues.

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