



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 460 (as introduced 6-14-17)  
Sponsor: Senator Dale W. Zorn  
Committee: Judiciary

Date Completed: 10-6-17

**CONTENT**

**The bill would amend the Michigan Penal Code to do the following:**

- **Make it a felony for a person to deliver a Schedule 1 or 2 controlled substance, except marihuana, to another person if the controlled substance were consumed by that person or another person and caused serious injury.**
- **Prescribe terms of imprisonment for a first, second, and third or subsequent conviction.**
- **Specify that a prescribed term of imprisonment would be in addition to, and would have to be served consecutively with, the sentence imposed for the delivery of the controlled substance.**

Specifically, a person who delivered a Schedule 1 or 2 controlled substance, other than marihuana, to another person in violation of Section 7401 of the Public Health Code would be guilty of a felony if that person or any other person consumed the controlled substance and it were a cause of serious injury of that person or other person.

(Section 7401 of the Public Health Code prohibits a person from manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver a controlled substance, except as authorized by the Code. A violation is a felony subject to a range of penalties that depend on the substance and the quantity involved.)

A violation of the bill would be punishable by imprisonment for two years. A person convicted of a second violation would have to be punished by imprisonment for five years. Upon a third or subsequent conviction, the offender would have to be punished by imprisonment for 10 years.

The term of imprisonment would be in addition to, and would have to be served consecutively with, the sentence imposed for the delivery of a Schedule 1 or 2 controlled substance. Also, a term of imprisonment for a violation of the bill could not be suspended, and the person subject to the sentence would not be eligible for parole or probation during the mandatory term imposed by the bill.

As used in the bill, "serious injury" would mean a physical injury that is not necessarily permanent but that constitutes serious bodily disfigurement or that seriously impairs the function of a body organ or limb. The term would include one or more of the following: a) loss, or loss of use, of a limb, hand, foot, finger, thumb, eye, or ear; b) loss or substantial impairment of a bodily function; c) serious visible disfigurement; d) a comatose state that lasts for more than three days; e) measurable brain or mental impairment; f) a skull or other serious bone fracture; g) subdural hemorrhage or hematoma; and/or h) loss of consciousness

or a life-threatening depression of the central nervous system resulting after an opioid antagonist is administered following an overdose.

The bill would take effect 90 days after its enactment.

Proposed MCL 750.82a

Legislative Analyst: Jeff Mann

**FISCAL IMPACT**

The bill could have a negative fiscal impact on the State and would have no fiscal impact on local government. For any increase in sentenced offenders' years of imprisonment, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year.

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.