



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 951 and 952 (as introduced 4-18-18)
Sponsor: Senator Vincent Gregory (S.B. 951)
Senator Dale W. Zorn (S.B. 952)
Committee: Judiciary

Date Completed: 9-24-18

CONTENT

Senate Bill 952 would amend Section 317a of the Michigan Penal Code to allow a violation for delivery of a controlled substance causing death to be prosecuted in the county in which the controlled substance was delivered or consumed, or in which the death occurred.

Senate Bill 951 would amend the Code of Criminal Procedure to specify that a violation of Section 317a could be prosecuted in the same venues as described in Senate Bill 952.

The bills are tie-barred, and each bill would take effect 90 days after its enactment. Senate Bill 952 is described in more detail below.

Section 317a of the Michigan Penal Code specifies that a person who delivers to another person a Schedule 1 or 2 controlled substance, other than marihuana, in violation of Section 7401 of the Public Health Code, that is consumed by that person or any other person and that causes the death of that individual is guilty of a felony punishable by imprisonment for life or any term of years.

Under Senate Bill 952, a violation of Section 317a could be prosecuted in the county in which any of the following occurred:

- Delivery of the controlled substance was made.
- The controlled substance was consumed.
- The death caused by the delivery of the controlled substance occurred.

(Section 7401 of the Public Health Code prohibits a person from manufacturing, creating, delivering, or possessing with intent to manufacture, create, or deliver certain controlled substances. Penalties for a violation vary, depending on the substance and/or the amount of the substance.)

Proposed MCL 760.5a (S.B. 951)
MCL 750.317a (S.B. 952)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

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

Fiscal Analyst: Abbey Frazier

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