



**House
Legislative
Analysis
Section**

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**PENALIZE LANDLORDS FOR
TENANTS' DRUG ACTIVITIES**

House Bill 4136

Sponsor: Rep. Steven Bieda

Committee: Criminal Justice

Complete to 3-12-03

A SUMMARY OF HOUSE BILL 4136 AS INTRODUCED 2-4-03

The bill would amend the Michigan Penal Code to specify that a landlord would be guilty of a misdemeanor if he or she knowingly allowed another person, either on or in the rental property, to manufacture, deliver, or possess controlled substances. A conviction would be punished by imprisonment for up to 180 days, a fine of not more than \$5,000, or both.

Under the bill, a landlord would be held criminally responsible if a tenant or other person engaged in activities on the rental property that violated Section 7401(2)(a)(i), (ii), or (iii) and Section 7403(2)(a)(i), (ii), or (iii) of the Public Health Code. These sections refer to Schedule 1 and 2 controlled substances that are narcotics (e.g., heroin and cocaine). Further, both sections also contain a reference to Section 7214 (a) (iv), which includes as a Schedule 2 controlled substance coca leaves and any salt, compound, derivative, or preparation which is chemically equivalent to or identical with cocaine and certain of its salts and derivatives. (An exception is made for decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine.) Section 7401 prohibits the unauthorized manufacture, creation, delivery, or possession with the intent to manufacture, create, or deliver the specified controlled substances, a prescription form, an official prescription form, or a counterfeit prescription form. Section 7403 prohibits a person from knowingly or intentionally possessing a controlled substance analogue, or official prescription form or prescription form unless the controlled substance or prescription form was obtained directly from a licensed practitioner acting within his or her professional duties.

As of March 1, 2003, when Public Act 665 of 2002 took effect, Section 7401(2)(a)(i-iii) and Section 7403(2)(a)(i-iii) pertain to mixtures containing any amount of the prohibited controlled substances in the weight categories of 1,000 grams or more, 450 grams or more but less than 1,000 grams, and 50 grams or more but less than 450 grams, respectively. Therefore, under the bill, a landlord would face criminal charges if his or her tenants engaged in illegal activities involving amounts of 50 grams or more of the specified substances. (Note: Prior to the effective date of Public Act 665, the categories were 650 grams or more, 225 grams or more but less than 650 grams, and 50 grams or more but less than 225 grams, respectively. Public Act 710 of 2002, which also amended these two sections of law, will take effect on April 1, 2003, but will not affect the new weight categories.)

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.