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Senate Bills 563 and 564 (as introduced 10-1-13)
Sponsor: Senator John Proos
Committee: Judiciary

Date Completed: 2-10-14

CONTENT

Senate Bill 564 would amend the Public Health Code to make it a felony to buy or possess ephedrine or pseudoephedrine knowing that it was to be combined with any other quantity of the substance to manufacture methamphetamine.

Senate Bill 563 would amend the Code of Criminal Procedure to include the proposed felony in the sentencing guidelines as a Class D controlled substances felony with a statutory maximum sentence of 10 years.

Both bills would take effect 90 days after their enactment. Senate Bill 563 is tie-barred to Senate Bill 564, which is described in detail below.

The Public Health Code includes restrictions on the purchase or possession of certain amounts of ephedrine or pseudoephedrine, alone or in a mixture. Under those provisions, a person may not do any of the following:

- Purchase more than 3.6 grams within a single calendar day.
- Purchase more than 9 grams within a 30-day period.
- Possess more than 12 grams.

The first two violations are misdemeanors punishable by up to 93 days' imprisonment and/or a maximum fine of \$500. The third is a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000.

The bill also would prohibit a person from purchasing or possessing any amount of ephedrine or pseudoephedrine knowing that it was to be combined in Michigan or elsewhere with any other quantity of ephedrine or pseudoephedrine for the purpose of illegally manufacturing or attempting to illegally manufacture methamphetamine in Michigan or elsewhere. A violation would be a felony, punishable by up to 10 years' imprisonment and/or a maximum fine of \$10,000.

This provision would not prohibit an offender from being charged with, convicted of, and sentenced for any other violation of law arising out of a violation of the proposed prohibition.

MCL 777.13n (S.B. 563)
333.17766c (S.B. 564)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would likely result in additional felony dispositions, which could increase costs of incarceration and community supervision for State and local government. The cost of incarceration in a State facility is \$35,000 per year per prisoner on average.

The proposed sentencing guidelines classification would likely result in additional cost for this moderate sanction-type, with straddle cells a possibility for those with an extensive criminal history.

Fiscal Analyst: John Maxwell

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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.