



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 430 through 432 (as reported without amendment)

Sponsor: Senator Stephanie Chang (S.B. 430)

Senator Sarah Anthony (S.B. 431)

Senator Roger Victory (S.B. 432)

Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 430 would amend the Public Health Code to modify criminal penalties for violating the prohibition against manufacturing, possessing, prescribing, or dispensing for non-legitimate purposes a Schedule 1 or 2 controlled substance. Specifically, penalties would be increased for violations that involved substances like heroin, fentanyl, or carfentanil.

Senate Bill 431 would add sentencing guidelines to the Code of Criminal Procedure to include the modified penalties proposed in Senate Bill 430.

Senate Bill 432 would amend Chapter XI (Probation) of the Code of Criminal Procedure to specify that a defendant who violated the most minor prohibition proposed in Senate Bill 430 could be sentenced to probation

Senate Bills 431 and 432 are tie-barred to Senate Bill 430. Each bill would take effect 90 days after its enactment. Senate Bills 430 and 432 are described in further detail below.

MCL 333.7401 (S.B. 430)

777.13m (S.B. 431)

771.1 (S.B. 432)

BRIEF RATIONALE

According to testimony, lethal illicit drugs are a public health crisis. Some of the most lethal and available illicit drugs are opiates and opiate derivatives like heroin, fentanyl, and carfentanil. Opiates are regulated according to the controlled substance schedule. Schedule 1 opiates, like heroin, are considered to have high potential for abuse and no accepted medical use, and Schedule 2 drugs, like fentanyl, are considered to have a high potential for abuse but some accepted medical use. Manufacturing or distributing controlled substances is a felony with varying penalties depending on the amount of the drug involved. The Michigan Legislature in recent sessions has passed legislation in response to the illicit drug public health crisis. To further those efforts, it has been suggested that stricter penalties be prescribed for the illicit drugs known to be most lethal and available.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

Senate Bills 430, 432, and 431 are respectively similar to House Bills 4243, 4244, and 4245 from the 2021-2022 Legislative Session. House Bills 4243 through 4245 passed the House and were reported by the Senate Committee on Judiciary and Public Safety but received no further action.

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

Senate Bill 430

The bill would have an indeterminate, but likely negative fiscal impact on the State and local governments. The bill could result in additional felony arrests and convictions increasing resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities; however, it is unknown how many people would be prosecuted under the proposed provisions. The average cost to State government for felony probation supervision is approximately \$5,100 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$50,100. Per diem rates range from \$106 to \$328 per day (average per diem is \$135), depending on the security level of the facility. Any associated increase in fine revenue would increase funding to public libraries.

Senate Bill 431

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Senate Bill 432

The bill could result in additional costs to the State for providing probation supervision. The bill would allow certain defendants to be sentenced to probation instead of a jail sentence if the violation did not involve a substance that was heroin, fentanyl, carfentanil, or any derivatives thereof. The average annual cost to the Department of Corrections for felony probation supervision services is \$5,800. The cost is partially offset by the requirement that defendants pay the Department a supervision fee of \$30 per month if not tethered or \$60 per month if required to wear a tether. The supervision fees are capped at 60 months for defendants, thus the additional cost to the Department is indeterminate, would depend on the number of actual violations, and would be the difference between the cost of supervision for the Department minus the supervision fees collected from defendants.

Date Completed: 10-15-25

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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.