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USE OF MINOR IN DRUG OFFENSE

House Bill 4457

Sponsor: Rep. Sue Rocca

Committee: Judiciary and Civil Rights

Complete to 3-27-95

A SUMMARY OF HOUSE BILL 4457 AS INTRODUCED 2-22-95

Currently, the Public Health Code makes it a felony to solicit or coerce a juvenile to commit a violation of controlled substances law that would be a felony if committed by an adult. It specifies minimum terms of imprisonment from which the court can depart if it finds substantial and compelling reasons for doing so. For most offenses, the mandatory minimum sentence is at least one half of the maximum sentence authorized for the solicited offense. However, when the solicited offense is the manufacture, delivery, or possession with the intent to deliver at least 650 grams of narcotics or cocaine, the penalty is mandatory life in prison, which is the penalty for the solicited offense. The provision for minimum prison terms does not apply to the manufacture, delivery, or possession with the intent to deliver of marijuana.

The bill would amend the Public Health Code (Public Act 368 of 1978) to specify that the law sanctioning solicitation of a juvenile to commit a controlled substance offense would apply whether or not the older person knew the person being solicited was a juvenile. The bill also would extend the law to solicitation of juveniles to commit marijuana distribution offenses.

MCL 333.7416

House Bills 4457 (3-27-95)