



HOUSE BILL No. 5685

March 14, 1996, Introduced by Reps. Rhead, Hill, Fitzgerald, Llewellyn, Green, Horton, Kukuk, Voorhees, Walberg and Crissman and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 7410 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 174 of the Public Acts of 1994, being section 333.7410 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7410 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 174 of the Public Acts of 1994,
3 being section 333.7410 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 7410. (1) Except as otherwise provided in
6 subsections (2) and (3), an individual 18 years of age or over
7 who violates section 7401(2)(a)(iv) by delivering or distributing
8 a controlled substance listed in schedule 1 or 2 that is either a
9 narcotic drug or described in section 7214(a)(iv) to an

1 individual under 18 years of age who is at least 3 years the
 2 deliverer's or distributor's junior may be punished by the fine
 3 authorized by section 7401(2)(a)(iv) or by a term of imprisonment
 4 of not less than 1 year ~~nor~~ OR more than twice that authorized
 5 by section 7401(2)(a)(iv), or both. An individual 18 years of
 6 age or over who violates section 7401 by delivering or distribut-
 7 ing any other controlled substance listed in schedules 1 to 5 to
 8 an individual under 18 years of age who is at least 3 years the
 9 distributor's junior may be punished by the fine authorized by
 10 section 7401(2)(b), (c), or (d) ~~—~~ or by a term of imprisonment
 11 not more than twice that authorized by section 7401(2)(b), (c),
 12 or (d), or both.

13 (2) An individual 18 years of age or over who violates sec-
 14 tion 7401(2)(a)(iv) by delivering a controlled substance
 15 described in schedule 1 or 2 that is either a narcotic drug or
 16 described in section 7214(a)(iv) to ~~a minor who is a student~~ AN
 17 INDIVIDUAL on or within 1,000 feet of school property shall be
 18 punished, subject to subsection (5), by a term of imprisonment of
 19 not less than 2 years or more than 3 times that authorized by
 20 section 7401(2)(a)(iv) and, in addition, may be punished by a
 21 fine of not more than 3 times that authorized by section
 22 7401(2)(a)(iv).

23 (3) An individual 18 years of age or over who violates sec-
 24 tion 7401(2)(a)(iv) by possessing with intent to deliver to ~~a~~
 25 ~~minor who is a student~~ AN INDIVIDUAL on or within 1,000 feet of
 26 school property a controlled substance described in schedule 1 or
 27 2 that is either a narcotic drug or described in

1 section 7214(a)(iv) shall be punished, subject to subsection (5),
2 by a term of imprisonment of not less than 2 years or more than
3 twice that authorized by section 7401(2)(a)(iv) and, in addition,
4 may be punished by a fine of not more than 3 times that autho-
5 rized by section 7401(2)(a)(iv).

6 (4) An individual 18 years of age or over who violates sec-
7 tion 7403(2)(a)(v), (b), (c), or (d) by possessing a controlled
8 substance on school property shall be punished by a term of
9 imprisonment or a fine, or both, of not more than twice that
10 authorized by section 7403(2)(a)(v), (b), (c), or (d).

11 (5) The court may depart from the minimum term of imprison-
12 ment authorized under subsection (2) or (3) if the court finds on
13 the record that there are substantial and compelling reasons to
14 do so.

15 (6) As used in this section, "school property" means a
16 building, playing field, or property used for school purposes to
17 impart instruction to children in grades kindergarten through 12,
18 when provided by a public, private, denominational, or parochial
19 school, except those buildings used primarily for adult education
20 or college extension courses.

21 (7) A person who distributes marihuana without remuneration
22 and not to further commercial distribution and who does not vio-
23 late subsection (1) is guilty of a misdemeanor — punishable by
24 imprisonment for not more than 1 year — or a fine of not more
25 than \$1,000.00, or both, unless the distribution is in accordance
26 with the federal law or the law of this state.