

HOUSE BILL No. 4166

January 30, 1997, Introduced by Reps. Rhead, McNutt and Llewellyn and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7410 (MCL 333.7410), as amended by 1994 PA
174.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7410. (1) Except as otherwise provided in
2 subsections (2) and (3), an individual 18 years of age or over
3 who violates section 7401(2)(a)(iv) by delivering or distributing
4 a controlled substance listed in schedule 1 or 2 that is either a
5 narcotic drug or described in section 7214(a)(iv) to an individ-
6 ual under 18 years of age who is at least 3 years the deliverer's
7 or distributor's junior may be punished by the fine authorized by
8 section 7401(2)(a)(iv) or by a term of imprisonment of not less
9 than 1 year ~~nor~~ OR more than twice that authorized by section
10 7401(2)(a)(iv), or both. An individual 18 years of age or over

1 who violates section 7401 by delivering or distributing any other
2 controlled substance listed in schedules 1 to 5 to an individual
3 under 18 years of age who is at least 3 years the distributor's
4 junior may be punished by the fine authorized by section
5 7401(2)(b), (c), or (d) ~~—~~ or by a term of imprisonment not more
6 than twice that authorized by section 7401(2)(b), (c), or (d), or
7 both.

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

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

1 (4) An individual 18 years of age or over who violates
2 section 7403(2)(a)(v), (b), (c), or (d) by possessing a con-
3 trolled substance on school property shall be punished by a term
4 of imprisonment or a fine, or both, of not more than twice that
5 authorized by section 7403(2)(a)(v), (b), (c), or (d).

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

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

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