

HOUSE BILL NO. 6243

December 04, 2024, Introduced by Rep. Wilson and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 13m and 45 of chapter XVII (MCL 777.13m and 777.45), section 13m as amended by 2016 PA 549 and section 45 as amended by 2013 PA 203.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1	CHAPTER XVII		
2	Sec. 13m. This chapter applies to the following felonies		
3	enumerated in chapter 333 of the Michigan Compiled Laws:		
4	M.C.L.	Category	Class Description
			Stat Max

1	333.7340	CS	F	Sale, distribution, or	4
2				delivery of product	
3				containing ephedrine	
4				or pseudoephedrine by	
5				mail, internet, or	
6				telephone	
7	333.7340c(2)	CS	D	Soliciting another	10
8				person to purchase or	
9				obtain ephedrine or	
10				pseudoephedrine to	
11				manufacture	
12				methamphetamine	
13	333.7341(8)	CS	G	Delivery or	2
14				manufacture of	
15				imitation controlled	
16				substance	
17	333.7401(2)(a)(i)	CS	A	Delivery or	Life
18				manufacture of 1,000	
19				or more grams of	
20				certain schedule 1 or	
21				2 controlled	
22				substances	
23	333.7401(2)(a)(ii)	CS	A	Delivery or	30
24				manufacture of 450 or	
25				more but less than	
26				1,000 grams of certain	
27				schedule 1 or 2	
28				controlled substances	

1	333.7401 (2) (a) (iii) CS	B	Delivery or	20
2			manufacture of 50 or	
3			more but less than 450	
4			grams of certain	
5			schedule 1 or 2	
6			controlled substances	
7	333.7401 (2) (a) (iv) CS	D	Delivery or	20
8			manufacture of less	
9			than 50 grams of	
10			certain schedule 1 or	
11			2 controlled	
12			substances	
13	333.7401 (2) (b) (i) CS	B	Delivery or	20
14			manufacture of	
15			methamphetamine or 3,	
16			4-	
17			methylenedioxymethamph	
18			etamine	
19	333.7401 (2) (b) (ii) CS	E	Delivery or	7
20			manufacture of certain	
21			schedule 1, 2, or 3	
22			controlled substances	
23	333.7401 (2) (c) CS	F	Delivery or	4
24			manufacture of	
25			schedule 4 controlled	
26			substance	

1	333.7401 (2) (d) (i) CS	C	Delivery or	15
2			manufacture of 45 or	
3			more kilograms of	
4			marihuana or synthetic	
5			equivalents of	
6			marihuana	
7	333.7401 (2) (d) (ii) CS	D	Delivery or	7
8			manufacture of 5 or	
9			more but less than 45	
10			kilograms of marihuana	
11			or synthetic	
12			equivalents of	
13			marihuana	
14	333.7401 (2) (d) (iii) CS	F	Delivery or	4
15			manufacture of less	
16			than 5 kilograms or 20	
17			plants of marihuana or	
18			of synthetic	
19			equivalents of	
20			marihuana	
21	333.7401 (2) (e) CS	G	Delivery or	2
22			manufacture of	
23			schedule 5 controlled	
24			substance	
25	333.7401 (2) (f) CS	D	Delivery or	7
26			manufacture of a	
27			prescription form or	
28			counterfeit	
29			prescription form	

1	333.7401a	Person	B	Delivering a	20
2				controlled substance	
3				or GBL with intent to	
4				commit criminal sexual	
5				conduct	
6	333.7401b(3) (a)	CS	E	Delivery or	7
7				manufacture of GBL	
8	333.7401b(3) (b)	CS	G	Possession of GBL	2
9	333.7401c(2) (a)	CS	D	Operating or	10
10				maintaining controlled	
11				substance laboratory	
12	333.7401c(2) (b)	CS	B	Operating or	20
13				maintaining controlled	
14				substance laboratory	
15				in presence of minor	
16	333.7401c(2) (c)	CS	B	Operating or	20
17				maintaining controlled	
18				substance laboratory	
19				involving hazardous	
20				waste	
21	333.7401c(2) (d)	CS	B	Operating or	20
22				maintaining controlled	
23				substance laboratory	
24				near certain places	
25	333.7401c(2) (e)	CS	A	Operating or	25
26				maintaining controlled	
27				substance laboratory	
28				involving firearm or	
29				other harmful device	

1	333.7401c (2) (f)	CS	B	Operating or	20
2				maintaining controlled	
3				substance laboratory	
4				involving	
5				methamphetamine	
6	333.7402 (2) (a)	CS	D	Delivery or	10
7				manufacture of certain	
8				counterfeit controlled	
9				substances	
10	333.7402 (2) (b)	CS	E	Delivery or	5
11				manufacture of	
12				schedule 1, 2, or 3	
13				counterfeit controlled	
14				substance	
15	333.7402 (2) (c)	CS	F	Delivery or	4
16				manufacture of	
17				counterfeit schedule 4	
18				controlled substance	
19	333.7402 (2) (d)	CS	G	Delivery or	2
20				manufacture of	
21				counterfeit schedule 5	
22				controlled substance	
23	333.7402 (2) (e)	CS	C	Delivery or	15
24				manufacture of	
25				controlled substance	
26				analogue	

1	333.7403 (2) (a) (i) CS	A	Possession of 1,000 or	Life
2			more grams of certain	
3			schedule 1 or 2	
4			controlled substances	
5	333.7403 (2) (a) (ii) CS	A	Possession of 450 or	30
6			more but less than	
7			1,000 grams of certain	
8			schedule 1 or 2	
9			controlled substances	
10	333.7403 (2) (a) (iii) CS	B	Possession of 50 or	20
11			more but less than 450	
12			grams of certain	
13			schedule 1 or 2	
14			controlled substances	
15	333.7403 (2) (a) (iv) CS	G	Possession of 25 or	4
16			more but less than 50	
17			grams of certain	
18			schedule 1 or 2	
19			controlled substances	
20	333.7403 (2) (a) (v) CS	G	Possession of less	4
21			than 25 grams of	
22			certain schedule 1 or	
23			2 controlled	
24			substances	
25	333.7403 (2) (b) (i) CS	D	Possession of	10
26			methamphetamine or 3,	
27			4-	
28			methylenedioxymethamph	
29			etamine	

1	333.7403 (2) (b) (ii)	CS	G	Possession of certain	2
2				schedule 1, 2, 3, or 4	
3				controlled substances	
4				or controlled	
5				substances analogue	
6	333.7403a	CS	F	Fraudulently obtaining	4
7				controlled substance	
8				or prescription for	
9				controlled substance	
10	333.7405 (1) (a)	CS	G	Controlled substance	2
11				violations by licensee	
12	333.7405 (1) (b)	CS	G	Manufacturing or	2
13				distribution	
14				violations by licensee	
15	333.7405 (1) (c)	CS	G	Refusing lawful	2
16				inspection	
17	333.7405 (1) (d)	CS	G	Maintaining drug house	2
18	333.7405 (1) (e)	CS	G	Unlawfully dispensing	2
19				out-of-state	
20				prescription	
21	333.7407 (1) (a)	CS	G	Controlled substance	4
22				violations by licensee	
23	333.7407 (1) (b)	CS	G	Use of fictitious,	4
24				revoked, or suspended	
25				license number	
26	333.7407 (1) (c)	CS	G	Obtaining controlled	4
27				substance by fraud	

1	333.7407(1) (d)	CS	G	False reports under	4
2				controlled substance	
3				article	
4	333.7407(1) (e)	CS	G	Possession of	4
5				counterfeiting	
6				implements	
7	333.7407(1) (f)	CS	F	Disclosing or	4
8				obtaining prescription	
9				information Possession	
10				of a counterfeit	
11				prescription form	
12	333.7407(1) (g)	CS	F	Possession of	4
13				counterfeit	
14				prescription form	
15	333.7407(2)	CS	G	Refusing to furnish	4
16				records under	
17				controlled substance	
18				article	
19	333.7410a	CS	G	Controlled substance	2
20				offense or offense	
21				involving GBL in or	
22				near a park	
23	333.7417	CS	F	Sell or offer to sell	4
24				named product	
25				producing same or	
26				similar effect as	
27				scheduled ingredient	
28	Sec. 45. (1) Offense variable 15 is aggravated controlled				
29	substance offenses. Score offense variable 15 by determining which				

of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) The offense involved the manufacture, creation, delivery, possession, or possession with intent to manufacture, create, or deliver of 1,000 or more grams of any mixture containing a controlled substance classified in schedule 1 or 2 that is a narcotic drug or a drug described in section 7214(a) (iv) 100 points

(b) The offense involved the manufacture, creation, delivery, possession, or possession with intent to manufacture, create, or deliver of 450 grams or more but less than 1,000 grams of any mixture containing a controlled substance classified in schedule 1 or 2 that is a narcotic drug or a drug described in section 7214(a) (iv) 75 points

1 (c) The offense involved the
2 manufacture, creation, delivery,
3 possession, or possession with
4 intent to manufacture, create, or
5 deliver of 50 or more grams but
6 less than 450 grams of any
7 mixture containing a controlled
8 substance classified in schedule
9 1 or 2 that is a narcotic drug or
10 a drug described in section
11 7214(a) (iv) 50 points

12 (d) The offense involved
13 traveling from another state or
14 country to this state while in
15 possession of any mixture
16 containing a controlled substance
17 classified in schedule 1 or 2
18 that is a narcotic drug or a drug
19 described in section 7212 or 7214
20 with the intent to deliver that
21 mixture in this state..... 50 Points

1 (e) The offense involved the
 2 sale or delivery of a controlled
 3 substance ~~other than marihuana~~ or
 4 a mixture containing a controlled
 5 substance ~~other than marihuana~~ by
 6 the offender who was 18 years of
 7 age or older to a minor who was 3
 8 or more years younger than the
 9 offender..... 25 points

10 ~~(f) The offense involved the~~
 11 ~~sale, delivery, or possession~~
 12 ~~with intent to sell or deliver 45~~
 13 ~~kilograms or more of marihuana or~~
 14 ~~200 or more of marihuana~~
 15 ~~plants..... 10 points~~

16 **(f)** ~~(g)~~ The offense is a
 17 violation of section 7401(2) (a) (i)
 18 to (iii) pertaining to a controlled
 19 substance classified in schedule
 20 1 or 2 that is a narcotic drug or
 21 a drug described in section
 22 7214(a) (iv) and was committed in a
 23 minor's abode, settled home, or
 24 domicile, regardless of whether
 25 the minor was
 26 present..... 10 points

1 **(g)** ~~(h)~~ The offense involved
 2 the delivery or possession with
 3 intent to deliver ~~marihuana or~~
 4 ~~any other~~ **a** controlled substance
 5 or a counterfeit controlled
 6 substance or possession of
 7 controlled substances or
 8 counterfeit controlled substances
 9 having a value or under such
 10 circumstances as to indicate
 11 trafficking..... 5 points

12 **(h)** ~~(i)~~ The offense was not
 13 an offense described in
 14 subdivisions (a) through
 15 ~~(h)~~ **(g)** 0 points

16 (2) As used in this section:

17 (a) "Deliver" means the actual or constructive transfer of a
 18 controlled substance from 1 individual to another regardless of
 19 remuneration.

20 (b) "Minor" means an individual 17 years of age or less.

21 (c) "Trafficking" means the sale or delivery of controlled
 22 substances or counterfeit controlled substances on a continuing
 23 basis to 1 or more other individuals for further distribution.

24 Enacting section 1. This amendatory act takes effect 90 days
 25 after the date it is enacted into law.

26 Enacting section 2. This amendatory act does not take effect
 27 unless Senate Bill No. ____ or House Bill No. 6241 (request no.
 28 04241'23) of the 102nd Legislature is enacted into law.