

**SUBSTITUTE FOR
HOUSE BILL NO. 4506**

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 25b to chapter IX.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

1
2 **Sec. 25b. (1) This section applies to a criminal defendant who**
3 **was 18, 19, or 20 years of age at the time the criminal defendant**
4 **committed an offense described in subsection (2) if either of the**
5 **following apply:**

6 (b) The defendant is convicted of the offense on or after the
7 effective date of the amendatory act that added this section.

8 (b) The defendant was convicted of the offense before the
9 effective date of the amendatory act that added this section.



1 (2) The prosecuting attorney may file a motion under this
2 section to sentence a defendant described in subsection (1) to
3 imprisonment for life without the possibility of parole if the
4 individual is or was convicted of any of the following violations:

5 (a) A violation of section 17764(7) of the public health code,
6 1978 PA 368, MCL 333.17764.

7 (b) A violation of section 16(5), 18(7), 316, 436(2)(e), or
8 543f of the Michigan penal code, 1931 PA 328, MCL 750.16, 750.18,
9 750.316, 750.436, and 750.543f.

10 (c) A violation of chapter XXXIII of the Michigan penal code,
11 1931 PA 328, MCL 750.200 to 750.212a.

12 (d) Any violation of law involving the death of another person
13 for which parole eligibility is expressly denied under state law.

14 (3) If the prosecuting attorney intends to seek a sentence of
15 imprisonment for life without the possibility of parole for a case
16 described in subsection (1)(a), the prosecuting attorney shall file
17 the motion not later than 42 days after the defendant is convicted
18 of that violation. If the prosecuting attorney intends to seek a
19 sentence of imprisonment for life without the possibility of parole
20 for a case described under subsection (1)(b), the prosecuting
21 attorney shall file the motion not later than 360 days after the
22 effective date of the amendatory act that added this section. The
23 motion must specify the grounds on which the prosecuting attorney
24 is requesting the court to impose a sentence of imprisonment for
25 life without the possibility of parole.

26 (4) If the prosecuting attorney does not file a motion under
27 subsection (3) within the time periods provided for in that
28 subsection, the court shall sentence the defendant to a term of
29 years as provided in subsection (10).



1 (5) If the prosecuting attorney files a motion under
2 subsection (2) requesting that the individual be sentenced to
3 imprisonment for life without parole eligibility, the individual
4 shall file a response to the prosecution's motion not later than 14
5 days after receiving notice of the motion.

6 (6) The sentencing judge or the judge's successor shall
7 determine whether a sentence of imprisonment will be imprisonment
8 for life without parole eligibility or a term of years as provided
9 under subsection (10).

10 (7) If the prosecuting attorney files a motion under
11 subsection (2), the court shall conduct a hearing on the motion as
12 part of the sentencing process. At the hearing, the trial court
13 shall consider the factors listed in *Miller v Alabama*, 567 US 460;
14 132 S Ct 2455; 183 L Ed 2d 407 (2012), and may consider any other
15 criteria relevant to the court's decision, including the
16 defendant's record while incarcerated.

17 (8) At the hearing under subsection (7), the court shall
18 specify on the record the aggravating and mitigating circumstances
19 considered by the court and the court's reasons supporting the
20 sentence imposed. The court may consider evidence presented at
21 trial together with any evidence presented at the sentencing
22 hearing.

23 (9) Each victim must be afforded the right under section 15 of
24 the William Van Regenmorter crime victim's rights act, 1985 PA 87,
25 MCL 780.765, to appear before the court and make an oral impact
26 statement at any sentencing or resentencing of the defendant under
27 this section.

28 (10) If the court decides not to sentence the individual to
29 imprisonment for life without parole eligibility, both of the



1 following apply:

2 (a) The court shall sentence the individual to a term of
3 imprisonment for which the maximum term must be not less than 60
4 years and the minimum term must be not less than 25 years or more
5 than 40 years.

6 (b) If the individual is being sentenced for more than 1
7 violation of law involving the death of another person, and those
8 violations arise out of the same transaction or occurrence, the
9 sentences imposed for each of the violations of law involving the
10 death of another person must be served consecutively to each other.

11 (11) Resentencing hearings under this section must be held in
12 the following order of priority:

13 (a) Cases involving defendants who have served 25 or more
14 years of imprisonment must be heard first.

15 (b) Cases in which the prosecuting attorney has filed a motion
16 requesting a sentence of imprisonment for life without the
17 possibility of parole must be heard after cases described in
18 subdivision (a).

19 (c) All other cases not described under subdivision (a) or (b)
20 must be heard after the cases described under subdivision (a) or
21 (b).

22 (12) A defendant who is resentenced under this section must be
23 given credit for time already served.