

HOUSE BILL No. 5196

December 3, 1987, Introduced by Reps. Hayes, Griffin, Joe Young, Sr., Fitzgerald, Martin, Nye, Knight, Muxlow, Bennane, Connors, Munsell, Middaugh, Emmons, O'Connor, Strand, Hoekman, Dunaskiss, Randall, Hertel, Sikkema, Krause, Van Regenmorter, Hood and Hunter and referred to the Committee on Judiciary.

A bill to amend Act No. 368 of the Public Acts of 1978,

entitled as amended

"Public health code,"

**as amended, being sections 333.1101 to 333.25211 of the Michigan
Compiled Laws, by adding section 7416.**

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding section 7416 to read as
4 follows:

5 SEC. 7416. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
6 (4), A PERSON 17 YEARS OF AGE OR OVER WHO RECRUITS, INDUCES,
7 SOLICITS, OR COERCES A MINOR LESS THAN 17 YEARS OF AGE TO COMMIT
8 OR ATTEMPT TO COMMIT ANY ACT WHICH WOULD BE A FELONY UNDER THIS
9 PART IF COMMITTED BY AN ADULT IS GUILTY OF A FELONY AND MAY BE

1 PUNISHED BY A FINE OF NOT MORE THAN THE FINE AUTHORIZED BY THIS
2 PART FOR AN ADULT WHO COMMITS SUCH AN ACT, AND SHALL BE PUNISHED,
3 SUBJECT TO SUBSECTION (3), AS FOLLOWS:

4 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), BY IMPRISONMENT
5 FOR NOT LESS THAN 1/2 OF THE MAXIMUM TERM OF IMPRISONMENT AUTHO-
6 RIZED BY THIS PART FOR AN ADULT WHO COMMITS SUCH AN ACT AND NOT
7 MORE THAN THE MAXIMUM TERM OF IMPRISONMENT AUTHORIZED BY THIS
8 PART FOR AN ADULT WHO COMMITS SUCH AN ACT.

9 (B) IF THE ACT TO BE COMMITTED OR ATTEMPTED BY THE MINOR IS
10 A VIOLATION OF SECTION 7401(2)(A)(i), BY IMPRISONMENT FOR LIFE.

11 (2) A PERSON SUBJECT TO A SENTENCE UNDER SUBSECTION (1)
12 SHALL NOT BE SUBJECT TO A DELAYED SENTENCE OR A SUSPENDED SEN-
13 TENCE AND SHALL NOT BE ELIGIBLE FOR PROBATION.

14 (3) THE COURT MAY DEPART FROM THE MINIMUM TERMS OF IMPRISON-
15 MENT AUTHORIZED UNDER SUBSECTION (1)(A) AND (B) IF THE COURT
16 FINDS ON THE RECORD THAT THERE ARE SUBSTANTIAL AND COMPELLING
17 REASONS TO DO SO.

18 (4) SUBSECTION (1)(A) DOES NOT APPLY TO AN ACT WHICH IS A
19 VIOLATION OF SECTION 7401(2)(C) AND WHICH INVOLVES THE MANUFAC-
20 TURE, DELIVERY, OR POSSESSION WITH INTENT TO DELIVER OF
21 MARIHUANA.