

HOUSE BILL No. 5381

January 10, 1990, Introduced by Reps. Perry Bullard, Martin, Runco, Gubow, Pitoniak, DeMars, Van Regenmorter, Owinga, Dolan, Brown, Bankes, DeBeaussaert and Ciaramitaro and referred to the Committee on Judiciary.

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. 12 of the Public Acts of 1988, 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. 12 of the Public Acts of 1988,
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 which is either
9 a 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 more than twice that authorized by
5 section 7401(2)(a)(iv), or both. An individual 18 years of age
6 or over who violates section 7401 by delivering or distributing
7 any other controlled substance listed in schedules 1 to 5 to an
8 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 not
11 more than twice that authorized by section 7401(2)(b), (c), or
12 (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 which is either a narcotic drug or
16 described in section 7214(a)(iv) to a minor who is a student on
17 or within ~~500~~ 1,000 feet of school property shall be punished,
18 subject to subsection (5), by a term of imprisonment of not less
19 than 2 years nor more than 3 times that authorized by section
20 7401(2)(a)(iv) and, in addition, may be punished by a fine of not
21 more than 3 times that authorized by section 7401(2)(a)(iv).

22 (3) An individual 18 years of age or over who violates sec-
23 tion 7401(2)(a)(iv) by possessing with intent to deliver to a
24 minor who is a student on or within ~~500~~ 1,000 feet of school
25 property a controlled substance described in schedule 1 or 2
26 which is either a narcotic drug or described in
27 section 7214(a)(iv) shall be punished, subject to subsection (5),

1 by a term of imprisonment of not less than 2 years nor more than
2 twice that authorized by section 7401(2)(a)(iv) and, in addition,
3 may be punished by a fine of not more than 3 times that autho-
4 rized by section 7401(2)(a)(iv).

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

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

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

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