



**House
Legislative
Analysis
Section**

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DRUGS: LIFE W/OUT PAROLE

House Bill 4024

Sponsor: Rep. William R. Bryant, Jr.

Committee: Judiciary

Complete to 2-4-91

A SUMMARY OF HOUSE BILL 4024 AS INTRODUCED 1-31-91

The Public Health Code at present mandates life in prison without parole as the sentence for a large-quantity (650 grams or more) narcotics or cocaine offense. The bill would allow a court to depart from this sentence if it found on the record substantial and compelling reasons to do so. (This standard for departures is the same that now applies in sentencing for lesser drug offenses.) However, in sentencing under the bill, the court would have to impose a sentence with a mandatory minimum term of at least five years and a maximum term of any number of years. The offender would be ineligible for probation, suspension of sentence, or parole during the minimum term, and the minimum term could not be reduced through disciplinary credits or any other form of sentence reduction.

The bill would be retroactive to September 1, 1978 (the life without parole penalty was established by Public Act 368 of 1978, which took effect September 30 of that year).

The bill would express a legislative finding that sentencing under the mandatory imprisonment for life without parole provisions of the Public Health Code, as those provisions have existed up to now, has resulted in unduly harsh punishment in many instances. The intent to apply the bill's changes retroactively would be reiterated; the bill would exhort the governor to review the cases involved and grant commutations and pardons, should it be determined that the bill's departure provisions cannot be applied retroactively.

MCL 333.7401 et al.