

HOUSE BILL No. 5301

October 29, 1991, Introduced by Reps. Middaugh, Alley, Harrison, Hillegonds, Brackenridge, Van Singel, McNutt, Gnodtke, Dalman, Emerson, Hickner, Oxender, Horton, Palamara, Mathieu, Allen, Dolan, Brown, Niederstadt, DeBeaussaert, Goss, Olshove, Sparks, Bennett, Anthony, Pitoniak, Weeks, Webb, Baade, DeMars, Gagliardi, Byrum, Porreca, Rocca, Clack, Murphy, Griffin, McBryde, Leland, Ciaramitaro, Jamian and Jaye and referred to the Committee on Conservation, Recreation and Environment.

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~~ THAT is
9 either 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~~ OR more than twice that authorized
 5 by section 7401(2)(a)(iv), or both. An individual 18 years of
 6 age or over who violates section 7401 by delivering or distribut-
 7 ing any other controlled substance listed in schedules 1 to 5 to
 8 an 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~~ THAT is either a narcotic
 16 drug or described in section 7214(a)(iv) to a minor who is a stu-
 17 dent on or within 500 feet of school property, OR TO A MINOR WHO
 18 IS IN A PUBLIC PARK OR WITHIN 500 FEET OF A PUBLIC PARK, shall be
 19 punished, subject to subsection (5), by a term of imprisonment of
 20 not less than 2 years nor more than 3 times that authorized by
 21 section 7401(2)(a)(iv) and, in addition, may be punished by a
 22 fine of not more than 3 times that authorized by section
 23 7401(2)(a)(iv).

24 (3) An individual 18 years of age or over who violates sec-
 25 tion 7401(2)(a)(iv) by possessing with intent to deliver to a
 26 minor who is a student on or within 500 feet of school property,
 27 OR TO A MINOR WHO IS IN A PUBLIC PARK OR WITHIN 500 FEET OF A

1 PUBLIC PARK, a controlled substance described in schedule 1 or 2
2 ~~which~~ THAT is either a narcotic drug or described in
3 section 7214(a)(iv) shall be punished, subject to subsection (5),
4 by a term of imprisonment of not less than 2 years nor more than
5 twice that authorized by section 7401(2)(a)(iv) and, in addition,
6 may be punished by a fine of not more than 3 times that autho-
7 rized by section 7401(2)(a)(iv).

8 (4) An individual 18 years of age or over who violates sec-
9 tion 7403(2)(a)(v), (b), (c), or (d) by possessing a controlled
10 substance on school property OR IN A PUBLIC PARK shall be pun-
11 ished by a term of imprisonment or a fine, or both, of not more
12 than twice that authorized by section 7403(2)(a)(v), (b), (c), or
13 (d).

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

18 (6) As used in this section: ~~,"school"~~

19 (A) "PUBLIC PARK" MEANS REAL PROPERTY OWNED OR MAINTAINED BY
20 THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT IS DES-
21 IGNATED BY THIS STATE OR BY THAT POLITICAL SUBDIVISION AS A
22 PUBLIC PARK.

23 (B) "SCHOOL property" means a building, playing field, or
24 property used for school purposes to impart instruction to chil-
25 dren in grades kindergarten through 12, when provided by a
26 public, private, denominational, or parochial school, except

1 ~~those~~ buildings used primarily for adult education or college
2 extension courses.

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