

Act No. 95
Public Acts of 1995
Approved by the Governor
June 20, 1995
Filed with the Secretary of State
June 22, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Reps. Rocca, Weeks, Nye, Hill, Horton, Goschka, Kukuk, Bush, Ryan, Perricone, Byl, Porreca, Voorhees, Jersevic, McBryde, Jellema, Galloway and Jaye

ENROLLED HOUSE BILL No. 4457

AN ACT to amend section 7416 of Act No. 368 of the Public Acts of 1978, entitled as amended "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," as added by Act No. 17 of the Public Acts of 1988, being section 333.7416 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 7416 of Act No. 368 of the Public Acts of 1978, as added by Act No. 17 of the Public Acts of 1988, being section 333.7416 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 7416. (1) A person 17 years of age or over who recruits, induces, solicits, or coerces a minor less than 17 years of age to commit or attempt to commit any act that would be a felony under this part if committed by an adult is guilty of a felony and may be punished by a fine of not more than the fine authorized by this part for an adult who commits such an act, and shall be punished, subject to subsection (3), as follows:

(a) Except as provided in subdivision (b), by imprisonment for not less than 1/2 of the maximum term of imprisonment authorized by this part for an adult who commits such an act and not more than the maximum term of imprisonment authorized by this part for an adult who commits such an act.

(b) If the act to be committed or attempted by the minor is a violation of section 7401(2)(a)(i), by imprisonment for life.

(2) A person subject to a sentence under subsection (1) shall not be subject to a delayed sentence or a suspended sentence and shall not be eligible for probation.

(3) The court may depart from a minimum term of imprisonment authorized under subsection (1)(a) or (b) if the court finds on the record that there are substantial and compelling reasons to do so.

(4) Subsection (1)(a) does not apply to an act that is a violation of section 7401(2)(d) and that involves the manufacture, delivery, or possession with intent to deliver of marihuana. This section applies whether or not the person 17 years of age or older knew or had reason to know the age of the minor less than 17 years of age.

Section 2. This amendatory act shall take effect August 1, 1995.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.