



HOUSE BILL No. 4681

March 30, 1995, Introduced by Reps. Profit, Yokich, Agee, Cropsey, Jaye, Randall and Dalman and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 7410 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," 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, being section 333.7410 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 7410. (1) Except as otherwise provided in
5 subsections (2) and (3), an individual 18 years of age or over
6 who violates section 7401(2)(a)(iv) by delivering or distributing
7 a controlled substance listed in schedule 1 or 2 that is either a
8 narcotic drug or described in section 7214(a)(iv) to an
9 individual under 18 years of age who is at least 3 years the
10 deliverer's or distributor's junior may be punished by the fine

1 authorized by section 7401(2)(a)(iv) or by a term of imprisonment
2 of not less than 1 year nor more than twice that authorized by
3 section 7401(2)(a)(iv), or both. An individual 18 years of age
4 or over who violates section 7401 by delivering or distributing
5 any other controlled substance listed in schedules 1 to 5 to an
6 individual under 18 years of age who is at least 3 years the
7 distributor's junior may be punished by the fine authorized by
8 section 7401(2)(b), (c), or (d), or by a term of imprisonment not
9 more than twice that authorized by section 7401(2)(b), (c), or
10 (d), or both.

11 (2) An individual 18 years of age or over who violates sec-
12 tion 7401(2)(a)(iv) by delivering a controlled substance
13 described in schedule 1 or 2 that is either a narcotic drug or
14 described in section 7214(a)(iv) to a minor who is a student on
15 or within 1,000 feet of school property shall be punished,
16 subject to subsection (5), by a term of imprisonment of not less
17 than 2 years or more than 3 times that authorized by section
18 7401(2)(a)(iv) and, in addition, may be punished by a fine of not
19 more than 3 times that authorized by section 7401(2)(a)(iv).

20 (3) An individual 18 years of age or over who violates sec-
21 tion 7401(2)(a)(iv) by possessing with intent to deliver to a
22 minor who is a student on or within 1,000 feet of school
23 property, OR ON A SCHOOL BUS, OR ON OR WITHIN 1,000 FEET OF A
24 SCHOOL BUS ROUTE, a controlled substance described in schedule 1
25 or 2 that is either a narcotic drug or described in
26 section 7214(a)(iv) shall be punished, subject to subsection (5),
27 by a term of imprisonment of not less than 2 years or more than

1 twice that authorized by section 7401(2)(a)(iv) and, in addition,
2 may be punished by a fine of not more than 3 times that autho-
3 rized by section 7401(2)(a)(iv).

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

15 (A) "HIGHWAY OR STREET" MEANS THAT TERM AS DEFINED IN SEC-
16 TION 20 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC
17 ACTS OF 1949, BEING SECTION 257.20 OF THE MICHIGAN COMPILED
18 LAWS.

19 (B) "SCHOOL BUS" MEANS THAT TERM AS DEFINED IN SECTION 7 OF
20 THE PUPIL TRANSPORTATION ACT, ACT NO. 187 OF THE PUBLIC ACTS OF
21 1990, BEING SECTION 257.1807 OF THE MICHIGAN COMPILED LAWS.

22 (C) "SCHOOL BUS ROUTE" MEANS A HIGHWAY OR STREET DESIGNATED
23 BY THE GOVERNING BOARD OF A PUBLIC OR NONPUBLIC ELEMENTARY OR
24 SECONDARY SCHOOL AS A REGULAR ROUTE TO BE USED BY A SCHOOL BUS
25 FOR TRANSPORTING STUDENTS TO OR FROM THAT SCHOOL.

26 (D) "SCHOOL property" means a building, playing field, or
27 property used for school purposes to impart instruction to

1 children in ~~grades kindergarten through 12, when provided by a~~
2 ~~public, private, denominational, or parochial~~ A PUBLIC OR NON-
3 PUBLIC ELEMENTARY, OR SECONDARY school, except those buildings
4 used primarily for adult education or college extension courses.

5 (7) A person who distributes marihuana without remuneration
6 and not to further commercial distribution and who does not vio-
7 late subsection (1) is guilty of a misdemeanor, punishable by
8 imprisonment for not more than 1 year, or a fine of not more than
9 \$1,000.00, or both, unless the distribution is in accordance with
10 the federal law or the law of this state.