



# HOUSE BILL No. 6107

September 19, 1996, Introduced by Reps. Nye, Cropsey, Ryan, Bush and Galloway and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 7413 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 144 of the Public Acts of 1988, being section 333.7413 of the Michigan Compiled Laws; and to add section 7413a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 7413 of Act No. 368 of the Public Acts  
2 of 1978, as amended by Act No. 144 of the Public Acts of 1988,  
3 being section 333.7413 of the Michigan Compiled Laws, is amended  
4 and section 7413a is added to read as follows:

5 Sec. 7413. (1) An individual who was convicted previously  
6 for a violation of any of the following offenses and is  
7 ~~thereafter~~ SUBSEQUENTLY convicted of a second ~~or subsequent~~  
8 violation of any of the following offenses shall be imprisoned

1 for life and ~~shall~~ IS not ~~be~~ eligible for probation,  
2 suspension of sentence, or parole during that mandatory term:

3 (a) A violation of section 7401(2)(a)(ii) or (iii).

4 (b) A violation of section 7403(2)(a)(ii) or (iii).

5 (c) Conspiracy to commit an offense proscribed by section  
6 7401(2)(a)(ii) or (iii) or section 7403(2)(a)(ii) or (iii).

7 (2) Except as otherwise provided in ~~subsections (1) and~~  
8 ~~(3)~~ THIS SECTION, an individual convicted of a second FELONY  
9 OFFENSE or A SECOND OR subsequent MISDEMEANOR offense under this  
10 article may be imprisoned for a term not more than twice the term  
11 otherwise authorized or fined an amount not more than twice that  
12 otherwise authorized, or both.

13 (3) An individual convicted of a second ~~or subsequent~~  
14 offense under section 7410(2) or (3) shall be punished, subject  
15 to subsection (4), by a term of imprisonment of not less than 5  
16 years ~~nor~~ OR more than twice that authorized under  
17 section 7410(2) or (3) and, in addition, may be punished by a  
18 fine of not more than 3 times that authorized by section 7410(2)  
19 or (3), ~~and~~ and ~~shall~~ IS not ~~be~~ eligible for probation or  
20 suspension of sentence during the term of imprisonment.

21 (4) The court may depart from the minimum term of imprison-  
22 ment authorized under subsection (3) if the court finds on the  
23 record that there are substantial and compelling reasons to do  
24 so.

25 (5) For purposes of subsection (2), an offense is considered  
26 a second or subsequent offense, if, before conviction of the  
27 offense, the offender has at any time been convicted under this

1 article or under any statute of the United States or of any state  
2 relating to a narcotic drug, marihuana, depressant, stimulant, or  
3 hallucinogenic drug.

4 SEC. 7413A. IF A PERSON HAS BEEN CONVICTED OF 2 OR MORE  
5 FELONIES, WHETHER THE CONVICTIONS OCCURRED IN THIS STATE OR WOULD  
6 HAVE BEEN FOR FELONIES IN THIS STATE IF THE CONVICTIONS OBTAINED  
7 OUTSIDE THIS STATE HAD BEEN OBTAINED IN THIS STATE, AND THAT  
8 PERSON IS CONVICTED OF A FELONY VIOLATION OF THIS ARTICLE, THE  
9 PERSON SHALL BE PUNISHED BY IMPRISONMENT FOR LIFE WITHOUT THE  
10 OPPORTUNITY FOR PAROLE. A SENTENCE IMPOSED UNDER THIS SECTION  
11 SHALL NOT BE SUSPENDED.

12 Section 2. This amendatory act shall not take effect unless  
13 all of the following bills of the 88th Legislature are enacted  
14 into law:

15 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 6108 (request  
16 no. 07236'96).

17 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 6106 (request  
18 no. 07236'96 a).