

**CERTAIN DRUG OFFENSES: ALLOW
PAROLE**

House Bill 6510
Sponsor: Rep. Bill McConico
Committee: Criminal Justice

Complete to 11-12-02

A SUMMARY OF HOUSE BILL 6510 AS INTRODUCED 11-7-02

The bill is a companion bill to House Bill 5394, which would amend the Public Health Code to revise the penalties for violations involving Schedule 1 and 2 narcotics, and to House Bill 5395, which would place the revised penalties in the Code of Criminal Procedure. House Bill 6510 would amend the Corrections Code to provide for parole for people previously convicted and sentenced to mandatory minimum terms of imprisonment under the provisions of the Public Health Code prohibiting the manufacture, delivery, and possession of Schedule 1 and 2 narcotics.

Currently, under the health code, it is a crime to manufacture, create, deliver, or possess with the intent to do the same, or to illegally possess, a controlled substance. A violation involving a Schedule 1 or 2 narcotic in the amount of 225-649 grams is punishable by a mandatory minimum sentence of 20 years and a maximum sentence of 30 years; an amount involving between 50 and 225 grams is punishable by a minimum sentence of 10 years and a maximum sentence of 20 years. Further, some of the drug offenses require the imposition of consecutive terms of imprisonment for persons convicted of multiple offenses. Since House Bill 5394 would eliminate the mandatory minimum sentences for the drug offenses, House Bill 6510 would allow for an earlier parole for those already sentenced under the current provisions.

The bill would specify that an individual convicted of violating or conspiring to violate the health code's prohibition on manufacturing, delivering, or possessing 225 to 649 grams of a Schedule 1 or 2 narcotics before the bill's effective date would be eligible for parole after serving the minimum of each sentence imposed for that violation or ten years, whichever was less. An individual convicted of delivering, manufacturing, or possessing narcotics (or conspiring to do the same) in the amount of 50 to 224 grams before the bill's effective date would be eligible for parole after serving the minimum of each sentence imposed for that violation or five years, whichever was less. An individual convicted of manufacturing or delivering less than 50 grams of narcotics, or possessing between 25 and 50 grams of narcotics (or conspiring to do the same) before the bill's effective date and who was sentenced to consecutive terms of imprisonment would be eligible for parole after serving one-half of the minimum sentence imposed for each violation.

Further, the bill would delete a provision specifying criteria to determine whether a prisoner convicted of manufacturing or delivering more than 650 grams of narcotics and sentenced to life imprisonment before October 1, 1998 is to be released on parole.

House Bill 6510 (11-12-02)

The bill is tie-barred to House Bills 5394 and 5395.

MCL 791.234

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.