



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4853 (Substitute H-1 as reported by the Committee of the Whole)

Sponsor: Representative Ed McBroom

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to include a violation of the Michigan Medical Marihuana Act (MMMA) in the sentencing guidelines.

Under the MMMA, if a registered qualifying patient or registered primary caregiver sells marihuana to someone who is not allowed to use marihuana for medical purposes under the Act, the patient's or caregiver's registry identification card must be revoked and the person is guilty of a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000. The penalty is in addition to any other penalties for the distribution of marihuana.

Under the bill, selling marihuana in violation of registry identification card restrictions would be included in the sentencing guidelines as a Class G felony against the public trust, with a statutory maximum sentence of two years' imprisonment.

The bill would take effect on April 1, 2013.

MCL 777.13n

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-5-12

Fiscal Analyst: Dan O'Connor