

SUBSTITUTE FOR
HOUSE BILL NO. 4889

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 45 of chapter XVII (MCL 777.45), as amended
by 2002 PA 666.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XVII

2 Sec. 45. (1) Offense variable 15 is aggravated controlled
3 substance offenses. Score offense variable 15 by determining
4 which of the following apply and by assigning the number of
5 points attributable to the one that has the highest number of
6 points:

7 (a) The offense involved the manufacture,
8 creation, delivery, possession, or possession with

1 intent to manufacture, create, or deliver of 1,000
 2 or more grams of any mixture containing a controlled
 3 substance classified in schedule 1 or 2 that is a
 4 narcotic drug or a drug described in section
 5 7214(a) (iv) 100 points
 6 (b) The offense involved the manufacture,
 7 creation, delivery, possession, or possession with
 8 intent to manufacture, create, or deliver of 450
 9 grams or more but less than 1,000 grams of any
 10 mixture containing a controlled substance classified
 11 in schedule 1 or 2 that is a narcotic drug or a drug
 12 described in section 7214(a) (iv) 75 points
 13 (c) The offense involved the manufacture,
 14 creation, delivery, possession, or possession with
 15 intent to manufacture, create, or deliver of 50 or
 16 more grams but less than 450 grams of any mixture
 17 containing a controlled substance classified in
 18 schedule 1 or 2 that is a narcotic drug or a drug
 19 described in section 7214(a) (iv) 50 points
 20 **(D) THE OFFENSE INVOLVED TRAVELING FROM ANOTHER**
 21 **STATE OR COUNTRY TO THIS STATE WHILE IN POSSESSION OF**
 22 **ANY MIXTURE CONTAINING A CONTROLLED SUBSTANCE CLASSIFIED**
 23 **IN SCHEDULE 1 OR 2 THAT IS A NARCOTIC DRUG OR A DRUG**
 24 **DESCRIBED IN SECTION 7212 OR 7214 WITH THE INTENT TO**
 25 **DELIVER THAT MIXTURE IN THIS STATE..... 50 POINTS**
 26 **(E) ~~(d)~~**—The offense involved the sale or delivery
 27 of a controlled substance other than marihuana or a
 28 mixture containing a controlled substance other than
 29 marihuana by the offender who was 18 years of age or

1 older to a minor who was 3 or more years younger than
 2 the offender..... 25 points

3 **(F)** ~~(e)~~—The offense involved the sale, delivery,
 4 or possession with intent to sell or deliver 45
 5 kilograms or more of marihuana or 200 or more of
 6 marihuana plants..... 10 points

7 **(G)** ~~(f)~~—The offense is a violation of section
 8 7401(2) (a) (i) to (iii) pertaining to a controlled
 9 substance classified in schedule 1 or 2 that is a
 10 narcotic drug or a drug described in section 7214(a) (iv)
 11 and was committed in a minor's abode, settled home,
 12 or domicile, regardless of whether the minor was
 13 present..... 10 points

14 **(H)** ~~(g)~~—The offense involved the delivery or
 15 possession with intent to deliver marihuana or any
 16 other controlled substance or a counterfeit controlled
 17 substance or possession of controlled substances or
 18 counterfeit controlled substances having a value or
 19 under such circumstances as to indicate trafficking.. 5 points

20 **(I)** ~~(h)~~—The offense was not an offense described
 21 in subdivisions (a) through ~~(g)~~—**(H)**..... 0 points

22 (2) As used in this section:

23 (a) "Deliver" means the actual or constructive transfer of a
 24 controlled substance from 1 individual to another regardless of
 25 remuneration.

26 (b) "Minor" means an individual 17 years of age or less.

27 (c) "Trafficking" means the sale or delivery of controlled
 28 substances or counterfeit controlled substances on a continuing

1 basis to 1 or more other individuals for further distribution.
2 Enacting section 1. This amendatory act takes effect upon
3 the expiration of 90 days after the date it is enacted into law.