

# HOUSE BILL No. 4889

June 20, 2013, Introduced by Reps. McBroom, Crawford, Kivela, Yonker, Walsh, Lori, Heise, Hooker, Schmidt, Kesto, McCready, Pagel, Jenkins, O'Brien, Graves, Somerville, Kurtz, Dianda and Oakes and referred to the Committee on Criminal Justice.

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  
9 intent to manufacture, create, or deliver of 1,000

1 or more grams of any mixture containing a controlled  
 2 substance classified in schedule 1 or 2 that is a  
 3 narcotic drug or a drug described in section  
 4 7214(a) (iv) ..... 100 points

5 (b) The offense involved the manufacture,  
 6 creation, delivery, possession, or possession with  
 7 intent to manufacture, create, or deliver of 450  
 8 grams or more but less than 1,000 grams of any  
 9 mixture containing a controlled substance classified  
 10 in schedule 1 or 2 that is a narcotic drug or a drug  
 11 described in section 7214(a) (iv) ..... 75 points

12 (c) The offense involved the manufacture,  
 13 creation, delivery, possession, or possession with  
 14 intent to manufacture, create, or deliver of 50 or  
 15 more grams but less than 450 grams of any mixture  
 16 containing a controlled substance classified in  
 17 schedule 1 or 2 that is a narcotic drug or a drug  
 18 described in section 7214(a) (iv) ..... 50 points

19 **(D) THE OFFENSE INVOLVED TRAVELING FROM ANOTHER**  
 20 **STATE TO THIS STATE WITH THE INTENT TO DELIVER ANY**  
 21 **MIXTURE CONTAINING A CONTROLLED SUBSTANCE CLASSIFIED**  
 22 **IN SCHEDULE 1 OR 2 THAT IS A NARCOTIC DRUG OR A DRUG**  
 23 **DESCRIBED IN SECTION 7212 OR 7214..... 50 POINTS**

24 **(E) ~~(d)~~** The offense involved the sale or delivery  
 25 of a controlled substance other than marihuana or a  
 26 mixture containing a controlled substance other than  
 27 marihuana by the offender who was 18 years of age or  
 28 older to a minor who was 3 or more years younger than  
 29 the offender..... 25 points

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

5           (G) ~~(f)~~—The offense is a violation of section  
 6 7401(2)(a)(i) to (iii) pertaining to a controlled  
 7 substance classified in schedule 1 or 2 that is a  
 8 narcotic drug or a drug described in section 7214(a)(iv)  
 9 and was committed in a minor's abode, settled home,  
 10 or domicile, regardless of whether the minor was  
 11 present..... 10 points

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

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

20           (2) As used in this section:

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

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

25           (c) "Trafficking" means the sale or delivery of controlled  
 26 substances or counterfeit controlled substances on a continuing  
 27 basis to 1 or more other individuals for further distribution.