

SENATE BILL No. 1059

September 16, 2014, Introduced by Senator BIEDA and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7413 (MCL 333.7413), as amended by 1988 PA 144.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7413. ~~(1) An individual who was convicted previously for~~
2 ~~a violation of any of the following offenses and is thereafter~~
3 ~~convicted of a second or subsequent violation of any of the~~
4 ~~following offenses shall be imprisoned for life and shall not be~~
5 ~~eligible for probation, suspension of sentence, or parole during~~
6 ~~that mandatory term:~~

7 ~~—— (a) A violation of section 7401(2)(a)(ii) or (iii).~~

8 ~~—— (b) A violation of section 7403(2)(a)(ii) or (iii).~~

9 ~~—— (c) Conspiracy to commit an offense proscribed by section~~

10 ~~7401(2)(a)(ii) or (iii) or section 7403(2)(a)(ii) or (iii).~~

1 (1) ~~(2)~~ Except as otherwise provided in ~~subsections (1) and~~
2 ~~(3)~~, **SUBSECTION (2)**, an individual convicted of a second or
3 subsequent offense under this article may be imprisoned for a term
4 not more than twice the term otherwise authorized or fined an
5 amount not more than twice that otherwise authorized, or both.

6 (2) ~~(3)~~ An individual convicted of a second or subsequent
7 offense under section 7410(2) or (3) shall be punished, subject to
8 subsection ~~(4)~~, **(3)**, by a term of imprisonment of not less than 5
9 years nor more than twice that authorized under section 7410(2) or
10 (3) and, in addition, may be punished by a fine of not more than 3
11 times that authorized by section 7410(2) or (3); and shall not be
12 eligible for probation or suspension of sentence during the term of
13 imprisonment.

14 (3) ~~(4)~~ The court may depart from the minimum term of
15 imprisonment authorized under subsection ~~(3)~~ **(2)** if the court finds
16 on the record that there are substantial and compelling reasons to
17 do so.

18 (4) ~~(5)~~ For purposes of subsection ~~(2)~~, **(1)**, an offense is
19 considered a second or subsequent offense, if, before conviction of
20 the offense, the offender has at any time been convicted under this
21 article or under any statute of the United States or of any state
22 relating to a narcotic drug, marihuana, depressant, stimulant, or
23 hallucinogenic drug.