

MANDATORY LIFE SENTENCES WITHOUT PAROLE

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House Bills 4506, 4507, and 4508 as introduced

Sponsor: Rep. Sarah Lightner

Committee: Judiciary

Complete to 6-11-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bills 4506, 4507, and 4508 would amend different acts to provide for a process by which criminal defendants who were between 19 or 20 years of age at the time of their offense can be sentenced to imprisonment without the possibility of parole (“life without parole” or “LWOP”). The main provisions in House Bill 4506, which would add section 25b to Chapter IX (Judgement and Sentence) of the Code of Criminal Procedure, mirror those in current law prescribing the process by which criminal defendants *under* 18 years of age may be sentenced to LWOP.¹ House Bills 4507 and 4508 update corresponding statutory references in the Public Health Code and the Michigan Penal Code, respectively.

Sentencing procedure

Under the provisions of the bills, a prosecuting attorney could file a motion to sentence a defendant to LWOP if the individual is or was convicted of any of the violations discussed below (see “Offenses”). A prosecuting attorney pursuing a LWOP sentence would be required to file the motion not later than 42 days after the defendant is convicted of the violation. Prosecuting attorneys would also be authorized to pursue the resentencing of defendants convicted before the effective date of the bills to LWOP by filing a motion not more than 360 days after that date. Defendants resentenced under the provisions of the bills would have to be given credit for time already served. Resentencing hearings would have to be held in the following order of priority:

- Cases involving defendants who have served 25 or more years of imprisonment.
- Cases in which the prosecuting attorney has filed a motion requesting a LWOP sentence.
- All other cases not described above.

The motion would need to specify the grounds on which the prosecuting attorney is requesting the court to impose a LWOP sentence, and the defendant would be required to file a response not later than 14 days after receiving notice of the motion. The court would be required to conduct a hearing on the motion as part of the sentencing (or resentencing) process and to consider the factors listed in the United States Supreme Court’s decision in *Miller v. Alabama*, 597 U.S. 460 (2012), in addition to the defendant’s record while incarcerated and any other criteria relevant to the court’s decision. The bills would also require that each victim of the original offense be afforded the right to appear before the court and make an oral impact statement at any sentencing (or resentencing) of the defendant, pursuant to the William Van Regenmorter Crime Victim’s Rights Act.²

¹ [MCL 769.25](#) and [MCL 769.25a](#) These provisions also apply to 18-year-olds under the Michigan Supreme Court’s decision in *People v. Parks*, 510 Mich. 225 (2022).

² [MCL 780.765](#)

The sentencing judge (or the judge's successor) would be required to determine whether to impose a LWOP sentence or a term of years with a minimum between 35 and 50 years and a maximum of not less than 80 years. The term of years would have to be served consecutively to each of the sentences imposed for an offense arising from the same transaction or occurrence.

If a prosecuting attorney does not file a motion within the applicable timeframe, the court would be required to sentence the defendant to a term of years based on the above requirements.

Offenses

Subject to the procedural requirements above, criminal defendants who were 19 or 20 years of age at the time of their offense could be sentenced to LWOP for any of the following:

- Knowingly or recklessly adulterating, misbranding, removing, or substituting a drug or device knowing or intended for it to be used, **or** selling, offering to sell, possessing to sell, causing to be sold, or manufacturing to sell an adulterated or misbranded drug, with the intent to kill or to cause serious impairment of a body function of two or more individuals which results in death.³
- Except for the purpose of compounding in the necessary preparation of medicine, knowingly or recklessly mixing, coloring, staining, or powdering a drug or medicine with an ingredient or material so as to injuriously affect the quality or potency of the drug or medicine, **or** selling, offering to sell, possessing to sell, causing to be sold, or manufacturing to sell such a drug or medicine.⁴
- First-degree murder as defined in section 316 of the Michigan Penal Code.⁵
- Willfully mingling a poison or harmful substance with a food, drink, nonprescription medicine, or pharmaceutical product, **or** willfully placing a poison or harmful substance in a spring, well, reservoir, or public water supply, knowing or having good reason to know that the substance may be ingested and resulting in the death of another individual.⁶
- An act of terrorism committed knowingly and with premeditation that results in the death of another individual.⁷
- A violation of Chapter XXXIII (Explosives and Bombs, and Harmful Devices) of the Michigan Penal Code.⁸
- Any other violation of law involving the death of another person for which parole eligibility is expressly denied under state law.

House Bills 4507 and 4508 cannot take effect unless House Bill 4506 is also enacted.

Proposed MCL 777.25b (HB 4506)

MCL 333.17764 (HB 4507)

MCL 750.1 et seq. (HB 4508)

³ [MCL 333.17764\(7\)](#) and [MCL 750.16\(5\)](#)

⁴ [MCL 750.18\(7\)](#)

⁵ [MCL 750.316](#)

⁶ [MCL 750.436\(2\)\(c\)](#)

⁷ [MCL 750.543f](#)

⁸ [MCL 750.200 et seq.](#)

BACKGROUND:

In 2012, the U.S. Supreme Court held in *Miller v. Alabama*, 597 U.S. 460 (2012), that mandatory LWOP sentences for juvenile offenders violate the Eighth Amendment's prohibition on "cruel and unusual punishment" and that offenders serving those sentences were entitled to resentencing on the grounds that mandatory LWOP is an unconstitutionally disproportionate punishment for juveniles.⁹ In response, the legislature enacted 2014 PA 22, which added sections 25 and 25a to Chapter IX (Judgment and Sentence) of the Code of Criminal Procedure. Section 25 codifies *Miller*'s unique sentencing requirements for juvenile defendants,¹⁰ while section 25a applies section 25 retroactively to previously decided cases (by way of resentencing), contingent on a decision by the Michigan Supreme Court or the U.S. Supreme Court applying *Miller* retroactively to all juvenile mandatory LWOP sentences.¹¹ In each of these sections, the legislature established a 180-day deadline for prosecutors to file a resentencing motion and, for a term of years sentence, set the maximum term at not less than 60 years and the minimum term at not less than 25 years or more than 40 years.¹²

Several years later, in *Montgomery v. Louisiana*, 577 U.S. 190 (2016), the U.S. Supreme Court held that *Miller* applied retroactively to all juveniles serving LWOP sentences, triggering section 25a for that class of offenders and requiring them to be resentenced under section 25.¹³ More recently, the Michigan Supreme Court extended these individualized sentencing and resentencing requirements to 18-year-old defendants in *People v. Parks*, 510 Mich. 225 (2022), on the grounds that mandatorily sentencing 18-year-old defendants to LWOP "violates the principle of proportionality derived from the Michigan Constitution [...] and thus constitute[s] cruel punishment"¹⁴ under section 16 of Article 1.¹⁵ The court's opinion in *Parks* required prosecutors to file a motion to resentence an 18-year-old defendant to LWOP within 90 days of its decision; otherwise, the defendant would be resentenced to the same term of years described above.

In April 2025, the Michigan Supreme Court held in *People v. Taylor* and *People v. Czarnecki* (Docket Nos. 166428 and 166654) that mandatory LWOP sentences for defendants who were 19 or 20 years old at the time of their crime also violate the same constitutional provision at issue in *Parks*, on the basis that "[l]ate adolescents who are 19 or 20 years old, as a class, share with 18-year-olds the same mitigating characteristics of late-adolescent brain development."¹⁶ In doing so, the court extended *Miller*- and *Parks*-style protections retroactively to all relevant

⁹ The syllabus and full text of all opinions in *Miller* are available [here](#).

¹⁰ [MCL 769.25](#)

¹¹ [MCL 769.25a](#)

¹² Information on Senate Bill 319 of 2013 is available [here](#).

¹³ *Montgomery* effectively overruled the Michigan Supreme Court's intervening decision in *People v. Carp*, 298 Mich. 472 (2012), in which it held that the *Miller* decision did *not* apply retroactively to Michigan criminal cases that were no longer pending on direct appeal.

¹⁴ *Parks*, 510 Mich. at 268 (internal citations omitted)

¹⁵ [Section 16 of Article I](#) of the state constitution reads as follows: "Excessive bail shall not be required; excessive fines shall not be imposed; *cruel or unusual punishment shall not be inflicted*; nor shall witnesses be unreasonably detained" (emphasis added). The Michigan Supreme Court has generally interpreted this provision to provide slightly broader protections against excessive or disproportionate punishments than the federal Eighth Amendment's ban on "cruel and unusual punishment." See *People v. Lorentzen*, 387 Mich. 167 (1972), and *People v. Bullock*, 440 Mich. 15 (1992), in which the court developed its four-pronged test to determine the proportionality of sentences imposed and its more general "evolving standards of decency" approach for analyzing criminal punishments.

¹⁶ *People v. Taylor*, Docket No. 166428 (2025); slip op. at 2. The full text of the court's opinion is available [here](#).

criminal cases on collateral review, requiring the resentencing of all 19- and 20-year-old defendants sentenced to mandatory LWOP under section 25.

The court's consolidated opinion in *Taylor* and *Czarnecki* required prosecutors intending to pursue the imposition of LWOP at resentencing to file a motion to that effect within 90 days of April 10, 2025.¹⁷ As described above, House Bill 4506 would extend this deadline to 360 days for resentencing proceedings, as well as expressly require a term of years imposed under proposed section 25b to be served consecutively with any other sentence arising from the same offense or violation.

FISCAL IMPACT:

A fiscal analysis is in progress.

Legislative Analyst: Aaron A. Meek
Fiscal Analyst: Robin Risko

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

¹⁷ *People v. Taylor*, Docket No. 166428 (2025); slip op. at 38.