



SENATE BILL No. 186

January 31, 1995, Introduced by Senator SHUGARS and referred to the Committee on Local, Urban and State Affairs.

A bill to amend section 7410 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended by Act No. 174 of the Public Acts of 1994, being section 333.7410 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7410 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 174 of the Public Acts of 1994,
3 being section 333.7410 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 7410. (1) Except as otherwise provided in
6 subsections (2) and (3), an individual 18 years of age or over
7 who violates section 7401(2)(a)(iv) by delivering or distributing
8 a controlled substance listed in schedule 1 or 2 that is either a
9 narcotic drug or described in section 7214(a)(iv) to an

1 individual under 18 years of age who is at least 3 years the
2 deliverer's or distributor's junior may be punished by the fine
3 authorized by section 7401(2)(a)(iv) or by a term of imprisonment
4 of not less than 1 year ~~nor~~ OR more than twice that authorized
5 by section 7401(2)(a)(iv), or both. An individual 18 years of
6 age or over who violates section 7401 by delivering or distribut-
7 ing any other controlled substance listed in schedules 1 to 5 to
8 an individual under 18 years of age who is at least 3 years the
9 distributor's junior may be punished by the fine authorized by
10 section 7401(2)(b), (c), or (d), or by a term of imprisonment not
11 more than twice that authorized by section 7401(2)(b), (c), or
12 (d), or both.

13 (2) An individual 18 years of age or over who violates sec-
14 tion 7401(2)(a)(iv) by delivering a controlled substance
15 described in schedule 1 or 2 that is either a narcotic drug or
16 described in section 7214(a)(iv) to a minor who is a student on
17 or within 1,000 feet of school property, OR TO A MINOR WHO IS IN
18 A PUBLIC PARK OR WITHIN 1,000 FEET OF A PUBLIC PARK, shall be
19 punished, subject to subsection (5), by a term of imprisonment of
20 not less than 2 years or more than 3 times that authorized by
21 section 7401(2)(a)(iv) and, in addition, may be punished by a
22 fine of not more than 3 times that authorized by section
23 7401(2)(a)(iv).

24 (3) An individual 18 years of age or over who violates sec-
25 tion 7401(2)(a)(iv) by possessing with intent to deliver to a
26 minor who is a student on or within 1,000 feet of school
27 property, OR TO A MINOR WHO IS IN A PUBLIC PARK OR WITHIN 1,000

1 FEET OF A PUBLIC PARK, a controlled substance described in
2 schedule 1 or 2 that is either a narcotic drug or described in
3 section 7214(a)(iv) shall be punished, subject to subsection (5),
4 by a term of imprisonment of not less than 2 years or more than
5 twice that authorized by section 7401(2)(a)(iv) and, in addition,
6 may be punished by a fine of not more than 3 times that autho-
7 rized by section 7401(2)(a)(iv).

8 (4) An individual 18 years of age or over who violates sec-
9 tion 7403(2)(a)(v), (b), (c), or (d) by possessing a controlled
10 substance on school property OR IN A PUBLIC PARK shall be pun-
11 ished by a term of imprisonment or a fine, or both, of not more
12 than twice that authorized by section 7403(2)(a)(v), (b), (c), or
13 (d).

14 (5) The court may depart from the minimum term of imprison-
15 ment authorized under subsection (2) or (3) if the court finds on
16 the record that there are substantial and compelling reasons to
17 do so.

18 (6) As used in this section: ~~, "school"~~

19 (A) "PUBLIC PARK" MEANS REAL PROPERTY OWNED OR MAINTAINED BY
20 THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE THAT IS DES-
21 IGNATED BY THIS STATE OR BY THAT POLITICAL SUBDIVISION AS A
22 PUBLIC PARK.

23 (B) "SCHOOL property" means a building, playing field, or
24 property used for school purposes to impart instruction to chil-
25 dren in grades kindergarten through 12, when provided by a
26 public, private, denominational, or parochial school, except

1 those buildings used primarily for adult education or college
2 extension courses.

3 (7) A person who distributes marihuana without remuneration
4 and not to further commercial distribution and who does not vio-
5 late subsection (1) is guilty of a misdemeanor, punishable by
6 imprisonment for not more than 1 year, or a fine of not more than
7 \$1,000.00, or both, unless the distribution is in accordance with
8 the federal law or the law of this state.