

SENATE BILL No. 262

April 11, 2019, Introduced by Senator SANTANA and referred to the Committee on Judiciary and Public Safety.

A bill to provide for the termination of sentences and the release from parole for certain marihuana-related offenses; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "marihuana violation sentence reduction act."

3 Sec. 3. As used in this act:

4 (a) "Controlling sentence" means a sentence of probation, or
5 imprisonment in jail or in a state correctional facility for 1 or
6 more violations of section 7403(2)(d) or 7404(2)(d) of the public
7 health code, 1978 PA 368, MCL 333.7403 and 333.7404, for the
8 possession or use of marihuana.

1 (b) "Department" means the department of corrections.

2 (c) "Noncontrolling sentence" means a sentence that an
3 individual is serving that is not a controlling sentence.

4 (d) "Qualifying individual" means an individual who is
5 currently serving a sentence and whose controlling offense is a
6 violation of section 7403(2)(d) or 7404(2)(d) of the public health
7 code, 1978 PA 368, MCL 333.7403 and 333.7404, for the possession or
8 use of marihuana.

9 Sec. 5. A qualifying individual is eligible for termination of
10 that individual's controlling sentence as provided in section 7 and
11 discharge from parole as provided in section 9. Not later than 90
12 days after the effective date of this act, the sentencing court and
13 the department shall identify all qualifying individuals who are
14 eligible for termination of a sentence or discharge from parole
15 under this act and shall review each sentence subject to section 7
16 or 9.

17 Sec. 7. (1) The sentencing court shall terminate a qualifying
18 individual's controlling sentence if the individual is serving a
19 controlling sentence and if all of the following apply:

20 (a) The individual is not currently subject to a parole or
21 probation violation process.

22 (b) The individual is not currently an absconder from
23 probation supervision.

24 (c) The individual does not have a pending felony detainer.

25 (d) The individual has paid the restitution ordered by the
26 court for the controlling offense.

27 (2) If the sentence of an individual is terminated under this

1 section, the sentencing court shall amend the supervision fee
2 ordered to be paid by that individual to the amount of the number
3 of months the individual was on supervision before the sentence was
4 terminated.

5 (3) The sentencing court shall resentence a qualifying
6 individual if the controlling sentence of that individual is
7 terminated under subsection (1) and that individual is also serving
8 a noncontrolling sentence. This act does not prohibit a sentencing
9 court from terminating a qualifying individual's noncontrolling
10 sentence as otherwise provided under law.

11 Sec. 9. (1) The parole board shall discharge a qualifying
12 individual from parole if all of the following apply:

13 (a) The individual is not currently subject to a parole
14 violation process.

15 (b) The individual is not currently an absconder from parole
16 supervision.

17 (c) The individual does not have a pending felony detainer.

18 (d) The individual has paid the restitution ordered by the
19 court for the controlling offense.

20 (2) If a qualifying individual is discharged under this
21 section, the department shall amend the parole supervision fee
22 ordered to be paid by that individual to the amount of the number
23 of months the individual was on supervision before the sentence was
24 terminated.