

# Legislative Analysis

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## **SENTENCING GUIDELINE CORRECTION: MEDICAL MARIHUANA VIOLATION**

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<http://www.house.mi.gov/hfa>

**Senate Bill 141 as passed by the Senate**  
**Sponsor: Sen. Coleman Young**  
**House Committee: Judiciary**  
**Senate Committee: Judiciary**  
**Complete to 11-22-16**

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

**(Enacted as Public Act 547 of 2016)**

### **SUMMARY:**

The bill would update a citation in the sentencing guidelines section of the Code of Criminal Procedure that prescribe the felony penalty for the illegal sale of marihuana by a qualified patient or a registered caregiver under the Medical Marihuana Act.

Under recently enacted legislation (Public Act 283 of 2016), due to take effect December 20, 2016, that felony offense moved from Section 333.2624(k) to Section 333.2624(l) of the Medical Marihuana Act, and Senate Bill 141 makes the necessary complementary change to the sentencing guidelines.

Senate Bill 141 is tie-barred to House Bill 4210 (PA 283), which was part of a package of bills overhauling the regulation of medical marihuana,<sup>1</sup> so that when PA 283 (HB 4210) takes effect, the reference change in sentencing guidelines will also take effect. Under both the current and the newly amended law, a registered qualifying patient or registered primary caregiver who sells marihuana to someone who is not allowed to use marihuana for medical purposes is guilty of a felony punishable by imprisonment for up to two years or a maximum fine of \$2,000, or both.

MCL 777.13n

### **FISCAL IMPACT:**

Senate Bill 141 amends sentencing guidelines and does not have a direct fiscal impact on the state or on local units of government.

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■ 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.

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<sup>1</sup> See <http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-4209-75F22FE4.pdf>