

HOUSE BILL NO. 4761

August 12, 2025, Introduced by Rep. Lightner and referred to Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 25b to chapter IX.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

Sec. 25b. (1) This section applies to a criminal defendant who was 18, 19, or 20 years of age at the time the criminal defendant committed an offense described in subsection (2) if either of the following applies:

(a) The defendant is convicted of the offense on or after the

1 effective date of the amendatory act that added this section.

2 (b) The defendant was convicted of the offense before the
3 effective date of the amendatory act that added this section.

4 (2) The prosecuting attorney may file a motion under this
5 section to sentence a defendant described in subsection (1) to
6 imprisonment for life without the possibility of parole if the
7 individual is or was convicted of any of the following violations:

8 (a) A violation of section 17764(7) of the public health code,
9 1978 PA 368, MCL 333.17764.

10 (b) A violation of section 16(5), 18(7), 316, 436(2)(e), or
11 543f of the Michigan penal code, 1931 PA 328, MCL 750.16, 750.18,
12 750.316, 750.436, and 750.543f.

13 (c) A violation of chapter XXXVIII of the Michigan penal code,
14 1931 PA 328, MCL 750.200 to 750.212a.

15 (d) Any violation of law involving the death of another person
16 for which parole eligibility is expressly denied under state law.

17 (3) If the prosecuting attorney intends to seek a sentence of
18 imprisonment for life without the possibility of parole for a case
19 described in subsection (1)(a), the prosecuting attorney shall file
20 the motion not later than 42 days after the defendant is convicted
21 of that violation. If the prosecuting attorney intends to seek a
22 sentence of imprisonment for life without the possibility of parole
23 for a case described under subsection (1)(b), the prosecuting
24 attorney shall file the motion not later than 360 days after the
25 effective date of the amendatory act that added this section. The
26 motion must specify the grounds on which the prosecuting attorney
27 is requesting the court to impose a sentence of imprisonment for
28 life without the possibility of parole.

29 (4) If the prosecuting attorney does not file a motion under

1 subsection (3) within the time periods provided for in that
2 subsection, the court shall sentence the defendant to a term of
3 years as provided in subsection (10).

4 (5) If the prosecuting attorney files a motion under
5 subsection (2) requesting that the individual be sentenced to
6 imprisonment for life without parole eligibility, the individual
7 shall file a response to the prosecution's motion not later than 14
8 days after receiving notice of the motion.

9 (6) The sentencing judge or the judge's successor shall
10 determine whether a sentence of imprisonment will be imprisonment
11 for life without parole eligibility or a term of years as provided
12 under subsection (10).

13 (7) If the prosecuting attorney files a motion under
14 subsection (2), the court shall conduct a hearing on the motion as
15 part of the sentencing process. At the hearing, the trial court
16 shall consider the factors listed in *Miller v Alabama*, 567 US 460;
17 132 S Ct 2455; 183 L Ed 2d 407 (2012), and may consider any other
18 criteria relevant to the court's decision, including the
19 defendant's record while incarcerated.

20 (8) At the hearing under subsection (7), the court shall
21 specify on the record the aggravating and mitigating circumstances
22 considered by the court and the court's reasons supporting the
23 sentence imposed. The court may consider evidence presented at
24 trial together with any evidence presented at the sentencing
25 hearing.

26 (9) Each victim must be afforded the right under section 15 of
27 the William Van Regenmorter crime victim's rights act, 1985 PA 87,
28 MCL 780.765, to appear before the court and make an oral impact
29 statement at any sentencing or resentencing of the defendant under

1 this section.

2 (10) If the court decides not to sentence the individual to
3 imprisonment for life without parole eligibility, both of the
4 following apply:

5 (a) The court shall sentence the individual to a term of
6 imprisonment for which the maximum term must be not less than 60
7 years and the minimum term must be not less than 25 years or more
8 than 40 years.

9 (b) If the individual is being sentenced for more than 1
10 violation of law involving the death of another person, and those
11 violations arise out of the same transaction or occurrence, the
12 sentences imposed for each of the violations of law involving the
13 death of another person must be served consecutively to each other.

14 (11) Resentencing hearings under this section must be held in
15 the following order of priority:

16 (a) Cases involving defendants who have served 25 or more
17 years of imprisonment must be heard first.

18 (b) Cases in which the prosecuting attorney has filed a motion
19 requesting a sentence of imprisonment for life without the
20 possibility of parole must be heard after cases described in
21 subdivision (a).

22 (c) All other cases not described under subdivisions (a) and
23 (b) must be heard after the cases described under subdivisions (a)
24 and (b).

25 (12) A defendant who is resentenced under this section must be
26 given credit for time already served.