

1999 PUBLIC AND LOCAL ACTS

[No. 28]

(HB 4403)

AN ACT to amend 1981 PA 7, entitled "An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts," by amending section 5 (MCL 801.265).

The People of the State of Michigan enact:

801.265 Violation as felony; penalty; exception.

[M.S.A. 28.1775(5)]

Sec. 5. (1) Except as provided in subsection (2), a person who violates this act is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$1,000.00, or both.

(2) If a violation of section 3 involving a controlled substance constitutes the delivery, possession with intent to deliver, or possession of or other action involving a controlled substance that is punishable by imprisonment for more than 5 years under part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, the person shall not be prosecuted under this act for that violation.

Effective date.

Enacting section 1. This amendatory act takes effect August 1, 1999.

This act is ordered to take immediate effect.

Approved May 21, 1999.

Filed with Secretary of State May 21, 1999.
