



HOUSE BILL No. 4457

February 22, 1995, Introduced by Reps. Rocca, Weeks, Nye, Hill, Horton, Goschka, Kukuk, Bush, Ryan, Perricone, Byl, Porreca, Voorhees, Jersevic, McBryde, Jellema, Galloway and Jaye and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 7416 of Act No. 368 of the Public Acts of 1978, entitled as amended
"Public health code,"
as added by Act No. 17 of the Public Acts of 1988, being section 333.7416 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7416 of Act No. 368 of the Public Acts
2 of 1978, as added by Act No. 17 of the Public Acts of 1988, being
3 section 333.7416 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 7416. (1) ~~Except as otherwise provided in subsection~~
6 ~~(4), a~~ A person 17 years of age or over who recruits, induces,
7 solicits, or coerces a minor less than 17 years of age to commit
8 or attempt to commit any act ~~which~~ THAT would be a felony under
9 this part if committed by an adult is guilty of a felony and may

1 be punished by a fine of not more than the fine authorized by
 2 this part for an adult who commits such an act, and shall be pun-
 3 ished, subject to subsection (3), as follows:

4 (a) Except as provided in subdivision (b), by imprisonment
 5 for not less than 1/2 of the maximum term of imprisonment autho-
 6 rized by this part for an adult who commits such an act and not
 7 more than the maximum term of imprisonment authorized by this
 8 part for an adult who commits such an act.

9 (b) If the act to be committed or attempted by the minor is
 10 a violation of section 7401(2)(a)(i), by imprisonment for life.

11 (2) A person subject to a sentence under subsection (1)
 12 shall not be subject to a delayed sentence or a suspended sen-
 13 tence and shall not be eligible for probation.

14 (3) The court may depart from ~~the~~ A minimum ~~terms~~ TERM
 15 of imprisonment authorized under subsection (1)(a) ~~and~~ OR (b)
 16 if the court finds on the record that there are substantial and
 17 compelling reasons to do so.

18 (4) ~~Subsection (1)(a) does not apply to an act which is a~~
 19 ~~violation of section 7401(2)(c) and which involves the manufac-~~
 20 ~~ture, delivery, or possession with intent to deliver of~~
 21 ~~marihuana.~~ THIS SECTION APPLIES WHETHER OR NOT THE PERSON 17
 22 YEARS OF AGE OR OLDER KNEW OR HAD REASON TO KNOW THE AGE OF THE
 23 MINOR LESS THAN 17 YEARS OF AGE.