

SUBSTITUTE FOR
SENATE BILL NO. 73

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7413 (MCL 333.7413), as amended by 1988 PA 144.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7413. ~~(1) An individual who was convicted previously for~~
2 ~~a violation of any of the following offenses and is thereafter~~
3 ~~convicted of a second or subsequent violation of any of the~~
4 ~~following offenses shall be imprisoned for life and shall not be~~
5 ~~eligible for probation, suspension of sentence, or parole during~~
6 ~~that mandatory term:~~

7 ~~— (a) A violation of section 7401(2) (a) (ii) or (iii).~~

8 ~~— (b) A violation of section 7403(2) (a) (ii) or (iii).~~

9 ~~— (c) Conspiracy to commit an offense proscribed by section~~
10 ~~7401(2) (a) (ii) or (iii) or section 7403(2) (a) (ii) or (iii).~~

11 (1) ~~(2)~~—Except as otherwise provided in subsections ~~(1)~~ and

1 ~~(3)~~, **SUBSECTION (2)** an individual convicted of a second or
2 subsequent offense under this article may be imprisoned for a term
3 not more than twice the term otherwise authorized or fined an
4 amount not more than twice that otherwise authorized, or both.

5 (2) ~~(3)~~—An individual convicted of a second or subsequent
6 offense under section 7410(2) or (3) ~~shall~~ **MUST** be punished,
7 subject to subsection ~~(4)~~, ~~(3)~~, by a term of imprisonment of not
8 less than 5 years nor more than twice that authorized under section
9 7410(2) or (3) and, in addition, may be punished by a fine of not
10 more than 3 times that authorized by section 7410(2) or (3); and
11 ~~shall~~ **IS** not be eligible for probation or suspension of sentence
12 during the term of imprisonment.

13 (3) ~~(4)~~—The court may depart from the minimum term of
14 imprisonment authorized under subsection ~~(3)~~ ~~(2)~~ if the court finds
15 on the record that there are substantial and compelling reasons to
16 do so.

17 (4) ~~(5)~~—For purposes of subsection ~~(2)~~, ~~(1)~~, an offense is
18 considered a second or subsequent offense, if, before conviction of
19 the offense, the offender has at any time been convicted under this
20 article or under any statute of the United States or of any state
21 relating to a narcotic drug, marihuana, depressant, stimulant, or
22 hallucinogenic drug.

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.

25 Enacting section 2. This amendatory act does not take effect
26 unless Senate Bill No. 72 of the 99th Legislature is enacted into
27 law.