

HOUSE BILL No. 6508

November 27, 2018, Introduced by Reps. Santana, Hertel, Wittenberg, Peterson, Cochran, Yancey, Robinson, Love and Neeley and referred to the Committee on Law and Justice.

A bill to provide for the release of prisoners convicted of certain offenses from imprisonment; to provide for the process by which a prisoner may seek relief; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "marihuana violation sentence reduction act".

3 Sec. 3. (1) Subject to section 7, an individual convicted of a
4 violation of part 74 of the public health code, 1978 PA 368, MCL
5 333.7401 to 333.7461, based on the use, possession, or distribution
6 of marihuana, and who is currently serving a prison sentence for
7 that marihuana violation may be eligible for release from
8 incarceration as provided in this section and section 5.

1 (2) An individual who is currently incarcerated for a
2 violation described in subsection (1) may petition the parole board
3 seeking a determination regarding whether or not he or she is
4 eligible for release under section 5.

5 (3) The parole board shall make a determination regarding
6 whether or not an individual is eligible for release under section
7 5.

8 (4) The determination made by the parole board under
9 subsection (3) must be based upon the requirement in section 5.

10 (5) If the parole board finds that a petitioner is not
11 eligible for release under subsection (3), the petitioner may
12 appeal that denial to the director of the department of
13 corrections.

14 Sec. 5. Subject to section 7, if the parole board determines
15 that a petitioner is currently incarcerated for a violation of part
16 74 of the public health code, 1978 PA 368, MCL 333.7401 to
17 333.7461, based on the use, possession, or distribution of
18 marihuana that has been entirely decriminalized, the parole board
19 must order the petitioner to be immediately released from
20 incarceration.

21 Sec. 7. This act only applies if the offenses created under
22 part 74 of the public health code, 1978 PA 368, MCL 333.7401 to
23 333.7461, based on the use, possession, or distribution of
24 marihuana, are repealed or amended in a manner that reduces the
25 criminal penalties currently provided for in part 74 of the public
26 health code, 1978 PA 368, MCL 333.7401 to 333.7461, for offenses
27 based on the use, possession, or distribution of marihuana.

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