

SENATE BILL No. 460

June 14, 2017, Introduced by Senators ZORN and MARLEAU and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 82a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 82A. (1) A PERSON WHO DELIVERS A SCHEDULE 1 OR 2
2 CONTROLLED SUBSTANCE, OTHER THAN MARIHUANA, TO ANOTHER PERSON IN
3 VIOLATION OF SECTION 7401 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
4 MCL 333.7401, THAT IS CONSUMED BY THAT PERSON OR ANY OTHER PERSON
5 AND THAT IS A CAUSE OF THE SERIOUS INJURY OF THAT PERSON OR OTHER
6 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR 2
7 YEARS. UPON A SECOND CONVICTION UNDER THIS SUBSECTION, THE PERSON
8 SHALL BE PUNISHED BY IMPRISONMENT FOR 5 YEARS. UPON A THIRD OR
9 SUBSEQUENT CONVICTION UNDER THIS SUBSECTION, THE PERSON SHALL BE
10 PUNISHED BY IMPRISONMENT FOR 10 YEARS.

1 (2) A TERM OF IMPRISONMENT PRESCRIBED BY THIS SECTION IS IN
2 ADDITION TO THE SENTENCE IMPOSED FOR THE CONVICTION OF DELIVERY OF
3 A SCHEDULE 1 OR 2 CONTROLLED SUBSTANCE AND MUST BE SERVED
4 CONSECUTIVELY WITH AND PRECEDING ANY TERM OF IMPRISONMENT IMPOSED
5 FOR THE CONVICTION OF DELIVERY OF A SCHEDULE 1 OR 2 CONTROLLED
6 SUBSTANCE.

7 (3) A TERM OF IMPRISONMENT IMPOSED UNDER THIS SECTION MUST NOT
8 BE SUSPENDED. THE PERSON SUBJECT TO THE SENTENCE MANDATED BY THIS
9 SECTION IS NOT ELIGIBLE FOR PAROLE OR PROBATION DURING THE
10 MANDATORY TERM IMPOSED UNDER SUBSECTION (1).

11 (4) AS USED IN THIS SECTION, "SERIOUS INJURY" MEANS A PHYSICAL
12 INJURY THAT IS NOT NECESSARILY PERMANENT BUT THAT CONSTITUTES
13 SERIOUS BODILY DISFIGUREMENT OR THAT SERIOUSLY IMPAIRS THE
14 FUNCTIONING OF A BODY ORGAN OR LIMB. SERIOUS INJURY INCLUDES, BUT
15 IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

16 (A) LOSS OF A LIMB OR USE OF A LIMB.

17 (B) LOSS OF A HAND, FOOT, FINGER, OR THUMB OR USE OF A HAND,
18 FOOT, FINGER, OR THUMB.

19 (C) LOSS OF AN EYE OR EAR OR USE OF AN EYE OR EAR.

20 (D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

21 (E) SERIOUS VISIBLE DISFIGUREMENT.

22 (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

23 (G) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

24 (H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

25 (I) SUBDURAL HEMORRHAGE OR HEMATOMA.

26 (J) LOSS OF CONSCIOUSNESS OR A LIFE-THREATENING DEPRESSION OF
27 THE CENTRAL NERVOUS SYSTEM RESULTING AFTER AN OPIOID ANTAGONIST IS

1 **ADMINISTERED FOLLOWING AN OVERDOSE.**

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