

# HOUSE BILL No. 5090

October 22, 2013, Introduced by Reps. Nesbitt, Kivela, Knezek, Dianda, Driskell, Zemke, Schor, LaVoy, Roberts, Cochran, Heise, McBroom, Bumstead, LaFontaine, Pettalia, Kelly, O'Brien, Lori, Graves, Schmidt, Yanez, Brunner, Kurtz, Rendon, Geiss, Haugh, Kesto, Foster, Victory, Dillon, Brown, MacGregor, MacMaster, Kosowski, Pscholka, Somerville, Haveman, Greimel, Haines, Glardon, Callton, Yonker, Johnson, Durhal, Santana and Kandrevas and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13m of chapter XVII (MCL 777.13m), as amended by 2010 PA 355.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1

CHAPTER XVII

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Sec. 13m. This chapter applies to the following felonies

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enumerated in chapter 333 of the Michigan Compiled Laws:

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M.C.L.	Category	Class	Description	Stat Max
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333.7340	CS	F	Sale, distribution, or delivery of product containing ephedrine or pseudoephedrine by mail, internet, or telephone	4
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1	333.7340C	CS	F	<b>PURCHASING OR OBTAINING EPHEDRINE OR PSEUDOEPHEDRINE FOR COMBINING TO MANUFACTURE METHAMPHETAMINE</b>	4
2	333.7341(8)	CS	G	Delivery or manufacture of imitation controlled substance	2
3	333.7401(2)(a)(i)	CS	A	Delivery or manufacture of 1,000 or more grams of certain schedule 1 or 2 controlled substances	Life
4	333.7401(2)(a)(ii)	CS	A	Delivery or manufacture of 450 or more but less than 1,000 grams of certain schedule 1 or 2 controlled substances	30
5	333.7401(2)(a)(iii)	CS	B	Delivery or manufacture of 50 or more but less than 450 grams of certain schedule 1 or 2 controlled substances	20
6	333.7401(2)(a)(iv)	CS	D	Delivery or manufacture of less than 50 grams of certain schedule 1 or 2 controlled substances	20
7	333.7401(2)(b)(i)	CS	B	Delivery or manufacture of methamphetamine or 3, 4- methylenedioxymethamp hetamine	20

1	333.7401(2)(b)(ii)	CS	E	Delivery or manufacture of certain schedule 1, 2, or 3 controlled substances	7
2	333.7401(2)(c)	CS	F	Delivery or manufacture of schedule 4 controlled substance	4
3	333.7401(2)(d)(i)	CS	C	Delivery or manufacture of 45 or more kilograms of marijuana	15
4	333.7401(2)(d)(ii)	CS	D	Delivery or manufacture of 5 or more but less than 45 kilograms of marijuana	7
5	333.7401(2)(d)(iii)	CS	F	Delivery or manufacture of less than 5 kilograms or 20 plants of marijuana	4
6	333.7401(2)(e)	CS	G	Delivery or manufacture of schedule 5 controlled substance	2
7	333.7401(2)(f)	CS	D	Delivery or manufacture of a prescription form or counterfeit prescription form	7
8	333.7401a	Person	B	Delivering a controlled substance or GBL with intent to commit criminal sexual conduct	20
9	333.7401b(3)(a)	CS	E	Delivery or manufacture of GBL	7

1	333.7401b(3)(b)	CS	G	Possession of GBL	2
2	333.7401c(2)(a)	CS	D	Operating or maintaining controlled substance laboratory	10
3	333.7401c(2)(b)	CS	B	Operating or maintaining controlled substance laboratory in presence of minor	20
4	333.7401c(2)(c)	CS	B	Operating or maintaining controlled substance laboratory involving hazardous waste	20
5	333.7401c(2)(d)	CS	B	Operating or maintaining controlled substance laboratory near certain places	20
6	333.7401c(2)(e)	CS	A	Operating or maintaining controlled substance laboratory involving firearm or other harmful device	25
7	333.7401c(2)(f)	CS	B	Operating or maintaining controlled substance laboratory involving methamphetamine	20
8	333.7402(2)(a)	CS	D	Delivery or manufacture of certain counterfeit controlled substances	10
9	333.7402(2)(b)	CS	E	Delivery or manufacture of schedule 1, 2, or 3 counterfeit controlled substance	5

1	333.7402(2)(c)	CS	F	Delivery or manufacture of counterfeit schedule 4 controlled substance	4
2	333.7402(2)(d)	CS	G	Delivery or manufacture of counterfeit schedule 5 controlled substance	2
3	333.7402(2)(e)	CS	C	Delivery or manufacture of controlled substance analogue	15
4	333.7403(2)(a)(i)	CS	A	Possession of 1,000 or more grams of certain schedule 1 or 2 controlled substances	Life
5	333.7403(2)(a)(ii)	CS	A	Possession of 450 or more but less than 1,000 grams of certain schedule 1 or 2 controlled substances	30
6	333.7403(2)(a)(iii)	CS	B	Possession of 50 or more but less than 450 grams of certain schedule 1 or 2 controlled substances	20
7	333.7403(2)(a)(iv)	CS	G	Possession of 25 or more but less than 50 grams of certain schedule 1 or 2 controlled substances	4
8	333.7403(2)(a)(v)	CS	G	Possession of less than 25 grams of certain schedule 1 or 2 controlled substances	4

1	333.7403(2)(b)(i)	CS	D	Possession of methamphetamine or 3, 4-methylenedioxymethamphetamine	10
2	333.7403(2)(b)(ii)	CS	G	Possession of certain schedule 1, 2, 3, or 4 controlled substances or controlled substances analogue	2
3	333.7403a	CS	F	Fraudulently obtaining controlled substance or prescription for controlled substance	4
4	333.7405(1)(a)	CS	G	Controlled substance violations by licensee	2
5	333.7405(1)(b)	CS	G	Manufacturing or distribution violations by licensee	2
6	333.7405(1)(c)	CS	G	Refusing lawful inspection	2
7	333.7405(1)(d)	CS	G	Maintaining drug house	2
8	333.7405(1)(e)	CS	G	Unlawfully dispensing out-of-state prescription	2
9	333.7407(1)(a)	CS	G	Controlled substance violations by licensee	4
10	333.7407(1)(b)	CS	G	Use of fictitious, revoked, or suspended license number	4

1	333.7407(1)(c)	CS	G	Obtaining controlled substance by fraud	4
2	333.7407(1)(d)	CS	G	False reports under controlled substance article	4
3	333.7407(1)(e)	CS	G	Possession of counterfeiting implements	4
4	333.7407(1)(f)	CS	F	Disclosing or obtaining prescription information	4
5	333.7407(1)(g)	CS	F	Possession of counterfeit prescription form	4
6	333.7407(2)	CS	G	Refusing to furnish records under controlled substance article	4
7	333.7410a	CS	G	Controlled substance offense or offense involving GBL in or near a park	2

8           Enacting section 1. This amendatory act does not take effect  
9 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5089 (request no.  
10 03156'13) of the 97th Legislature is enacted into law.