

## SUBSTITUTE FOR

HOUSE BILL NO. 5090

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 2013 PA 124.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

## 1 CHAPTER XVII

2       Sec. 13m. This chapter applies to the following felonies  
3 enumerated in chapter 333 of the Michigan Compiled Laws:

| 4 | M.C.L.   | Category | Class | Description                                                                                                                          | Stat | Max |
|---|----------|----------|-------|--------------------------------------------------------------------------------------------------------------------------------------|------|-----|
| 5 | 333.7340 | CS       | F     | Sale, distribution,<br>or delivery of<br>product containing<br>ephedrine or<br>pseudoephedrine by<br>mail, internet, or<br>telephone |      | 4   |

|   |                     |    |   |                                                                                                                                     |      |
|---|---------------------|----|---|-------------------------------------------------------------------------------------------------------------------------------------|------|
| 1 | 333.7340C           | CS | D | SOLICITING ANOTHER<br>PERSON TO PURCHASE OR<br>OBTAIN EPHEDRINE OR<br>PSEUDOEPHEDRINE TO<br>MANUFACTURE<br>METHAMPHETAMINE          | 10   |
| 2 | 333.7341(8)         | CS | G | Delivery or<br>manufacture of<br>imitation controlled<br>substance                                                                  | 2    |
| 3 | 333.7401(2)(a)(i)   | CS | A | Delivery or<br>manufacture of 1,000<br>or more grams of<br>certain schedule 1 or<br>2 controlled<br>substances                      | Life |
| 4 | 333.7401(2)(a)(ii)  | CS | A | Delivery or<br>manufacture of 450 or<br>more but less than<br>1,000 grams of<br>certain schedule 1 or<br>2 controlled<br>substances | 30   |
| 5 | 333.7401(2)(a)(iii) | CS | B | Delivery or<br>manufacture of 50 or<br>more but less than<br>450 grams of certain<br>schedule 1 or 2<br>controlled substances       | 20   |
| 6 | 333.7401(2)(a)(iv)  | CS | D | Delivery or<br>manufacture of less<br>than 50 grams of<br>certain schedule 1 or<br>2 controlled<br>substances                       | 20   |
| 7 | 333.7401(2)(b)(i)   | CS | B | Delivery or<br>manufacture of<br>methamphetamine or 3,<br>4-<br>methylenedioxymethamp<br>hetamine                                   | 20   |

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

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

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

|    |                       |    |   |                                                                                                                     |    |
|----|-----------------------|----|---|---------------------------------------------------------------------------------------------------------------------|----|
| 1  | 333.7403 (2) (b) (i)  | CS | D | Possession of<br>methamphetamine or 3,<br>4-<br>methylenedioxymethamp<br>hetamine                                   | 10 |
| 2  | 333.7403 (2) (b) (ii) | CS | G | Possession of certain<br>schedule 1, 2, 3, or<br>4 controlled<br>substances or<br>controlled substances<br>analogue | 2  |
| 3  | 333.7403a             | CS | F | Fraudulently<br>obtaining controlled<br>substance or<br>prescription for<br>controlled substance                    | 4  |
| 4  | 333.7405 (1) (a)      | CS | G | Controlled substance<br>violations by<br>licensee                                                                   | 2  |
| 5  | 333.7405 (1) (b)      | CS | G | Manufacturing or<br>distribution<br>violations by<br>licensee                                                       | 2  |
| 6  | 333.7405 (1) (c)      | CS | G | Refusing lawful<br>inspection                                                                                       | 2  |
| 7  | 333.7405 (1) (d)      | CS | G | Maintaining drug<br>house                                                                                           | 2  |
| 8  | 333.7405 (1) (e)      | CS | G | Unlawfully dispensing<br>out-of-state<br>prescription                                                               | 2  |
| 9  | 333.7407 (1) (a)      | CS | G | Controlled substance<br>violations by<br>licensee                                                                   | 4  |
| 10 | 333.7407 (1) (b)      | CS | G | Use of fictitious,<br>revoked, or suspended<br>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 | 333.7417       | CS | F | Sell or offer to sell named product producing same or similar effect as scheduled ingredient | 4 |

9           Enacting section 1. This amendatory act takes effect January  
10 1, 2015.

11           Enacting section 2. This amendatory act does not take effect  
12 unless House Bill No. 5089 of the 97th Legislature is enacted  
13 into law.