



**House  
Legislative  
Analysis  
Section**

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**USING JUVENILE FOR DRUG OFFENSE**

House Bill 5196 as introduced

First Analysis (12-10-87)

RECEIVED

Sponsor: Rep. Michael D. Hayes

FEB 08 1988

Committee: Judiciary

MICH. STATE LEGISL.

***THE APPARENT PROBLEM:***

Because juveniles are not criminally prosecuted as adults, they often are used by adult offenders to commit acts that are criminal in nature. This appears to be true particularly in the case of illegal drug suppliers, who frequently use youngsters as distributors and runners to insulate the dealers from liability. It has been suggested that the practice would be discouraged by special penalties for inducing children to commit serious drug offenses.

***THE CONTENT OF THE BILL:***

The bill would amend the Public Health Code to make it a felony to solicit or coerce a juvenile to commit a violation of controlled substances law that would be a felony if committed by an adult. A fine of up to the amount authorized for the solicited offense could be imposed. In addition, the bill would specify minimum terms of imprisonment from which the court could depart if it found on the record that there were substantial and compelling reasons for doing so. For most offenses, the prison term would be from one-half to the total period authorized for the solicited offense. However, when the solicited offense was the manufacture, delivery or possession with intent to deliver of at least 650 grams of narcotics or cocaine, the penalty would be mandatory life in prison, which is the penalty for the solicited offense. The bill's provisions for minimum prison terms would not apply to the manufacture, delivery, or possession with intent to deliver of marijuana.

MCL 333.7416

***FISCAL IMPLICATIONS:***

Fiscal information is not available. (12-9-87)

***ARGUMENTS:***

***For:***

Many of the juveniles involved in the drug trade are acting on behalf of adults seeking to insulate themselves from criminal prosecution. This exploitation of children is a particularly reprehensible aspect of drug trafficking. By creating special penalties for using a juvenile to commit a controlled substance offense, the bill would appropriately punish the behavior and discourage drug traffickers from engaging in it.

***Against:***

The bill adds to the worsening problem of a piecemeal approach to sentencing. The proper way to deal with sentencing issues, such as the hortatory minimum sentences proposed by the bill, is comprehensively through the development of carefully considered and internally consistent sentencing guidelines.

***POSITIONS:***

The Department of State Police supports the bill. (12-9-87)

The Prosecuting Attorneys Association of Michigan supports the bill. (12-8-87)

The Michigan Council on Crime and Delinquency opposes the bill. (12-8-87)

H.B. 5196 (12-10-87)