

# HOUSE BILL NO. 5657

March 12, 2020, Introduced by Reps. Howell, Elder, Alexander and Tate and referred to the Committee on Judiciary.

A bill to amend 1909 PA 17, entitled

"An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties,"



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by amending section 5 (MCL 800.285), as amended by 1982 PA 343.

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

1           Sec. 5. (1) Except as provided in subsection (2), a person  
2 violating this act is guilty of a felony, punishable by ~~a fine of~~  
3 ~~not more than \$1,000.00, or imprisonment for not more than 5 years~~  
4 **or fine of not more than \$1,000.00, or both.**

5           (2) If the delivery of a controlled substance is a felony  
6 punishable by imprisonment for more than 5 years under part 74 of  
7 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7401 to~~  
8 ~~333.7415 of the Michigan Compiled Laws,~~ **the public health code,**  
9 **1978 PA 368, MCL 333.7401 to 333.7461,** a person who gives, sells,  
10 or furnishes a controlled substance in violation of section 1 of  
11 this act ~~shall~~**must** not be prosecuted under this section for that  
12 giving, selling, or furnishing. If the possession of a controlled  
13 substance is a felony punishable by imprisonment for more than 5  
14 years under part 74 of ~~Act No. 368 of the Public Acts of 1978,~~ **the**  
15 **public health code, 1978 PA 368, MCL 333.7401 to 333.7461,** a person  
16 who possesses, or brings into a correctional facility, a controlled  
17 substance in violation of section 1 of this act ~~shall~~**must** not be  
18 prosecuted under this section for that possession.

19           Enacting section 1. This amendatory act does not take effect  
20 unless Senate Bill No. \_\_\_\_ or House Bill No. 5627 (request no.  
21 06126'20) of the 100th Legislature is enacted into law.

