

# Probation Swift and Sure Sanctions Act: Charges Rendering Defendant Ineligible<sup>1</sup>

An individual is not eligible for supervision under the Probation Swift and Sure Sanctions Act, [MCL 771A.1 et seq.](#), if he or she is charged with a crime under one or more of the following statutory provisions. See [MCL 771A.6\(3\)\(a\)-\(b\)](#).<sup>2</sup>

Relevant Statute	Description
<a href="#">MCL 333.7401(2)(a)(i)</a>	Delivery/manufacture — 1,000+ grams of certain schedule 1 or 2 narcotics or cocaine-related substances, or conspiracy to commit this offense
<a href="#">MCL 333.7401(2)(a)(ii)</a>	Delivery/manufacture — 450+ grams/less than 1,000 grams of certain schedule 1 or 2 narcotics or cocaine-related substances, or conspiracy to commit this offense
<a href="#">MCL 333.7401(2)(a)(iii)</a>	Delivery/manufacture — 50+ grams/less than 450 grams of certain schedule 1 or 2 narcotics or cocaine-related substances, or conspiracy to commit this offense
<a href="#">MCL 333.7401(2)(a)(iv)</a>	Delivery/manufacture — less than 50 grams of certain schedule 1 or 2 narcotics or cocaine-related substances, or conspiracy to commit this offense
<a href="#">MCL 333.7403(2)(a)(i)</a>	Possession — 1,000+ grams of certain schedule 1 or 2 narcotics or cocaine-related substances, or conspiracy to commit this offense
<a href="#">MCL 333.7403(2)(a)(ii)</a>	Possession — 450+ grams/less than 1,000 grams of certain schedule 1 or 2 narcotics or cocaine-related substances, or conspiracy to commit this offense
<a href="#">MCL 333.7403(2)(a)(iii)</a>	Possession — 50+ grams/less than 450 grams of certain schedule 1 or 2 narcotics or cocaine-related substances, or conspiracy to commit this offense
<a href="#">MCL 333.7403(2)(a)(iv)</a>	Possession — 25+ grams/less than 50 grams of certain schedule 1 or 2 narcotics or cocaine-related substances, or conspiracy to commit this offense
<a href="#">MCL 750.316</a>	First-degree murder
<a href="#">MCL 750.317</a>	Second-degree murder
<a href="#">MCL 750.520b</a>	First-degree criminal sexual conduct (CSC-I)
<a href="#">MCL 750.520d</a>	Third-degree criminal sexual conduct (CSC-III)
<a href="#">MCL 750.529</a>	Armed robbery
<a href="#">MCL 750.544</a>	Treason

<sup>1</sup> See the Michigan Judicial Institute’s [Criminal Proceedings Benchbook, Vol. 3](#), Chapter 2, for discussion of the Probation Swift and Sure Sanctions Act.

<sup>2</sup> A *major controlled substance offense* charge renders an individual ineligible for supervision under the Probation Swift and Sure Sanctions Act. [MCL 771A.6\(3\)\(b\)](#). Major controlled substance offenses are those listed in [MCL 333.7401\(2\)\(a\)](#) and [MCL 333.7403\(2\)\(a\)\(i\)-\(iv\)](#), or conspiracy to commit one of these offenses. See [MCL 761.2](#). These offenses involve the delivery/manufacture ([MCL 333.7401](#)) or possession ([MCL 333.7403](#)) of certain amounts of Schedule 1 or Schedule 2 controlled substances that are either (1) *narcotic drugs* as defined in [MCL 333.7107](#) or (2) cocaine-related substances as set out in [MCL 333.7214\(a\)\(iv\)](#). Some examples of substances that are chargeable under these major controlled substance provisions are heroin, morphine, oxycodone (OxyContin), methadone, and cocaine. Note that substances that are neither narcotics nor cocaine-related, such as methamphetamine and benzodiazepine (Xanax), are not chargeable under these provisions; therefore, offenses involving such substances do not result in ineligibility for supervision under the Probation Swift and Sure Sanctions Act. Note also that possession of less than 25 grams of a controlled substance, [MCL 333.7403\(2\)\(a\)\(v\)](#), is not a major controlled substance offense. See [MCL 761.2\(b\)](#); [MCL 771A.6\(3\)\(b\)](#).

