

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

769.9 Indeterminate sentence inapplicable where only punishment is life imprisonment; indeterminate sentence in cases where imprisonment for life discretionary; indeterminate sentence in cases involving major controlled substance offense.

Sec. 9.

(1) The provisions of this chapter relative to indeterminate sentences shall not apply to a person convicted for the commission of an offense for which the only punishment prescribed by law is imprisonment for life.

(2) In all cases where the maximum sentence in the discretion of the court may be imprisonment for life or any number or term of years, the court may impose a sentence for life or may impose a sentence for any term of years. If the sentence imposed by the court is for any term of years, the court shall fix both the minimum and the maximum of that sentence in terms of years or fraction thereof, and sentences so imposed shall be considered indeterminate sentences. The court shall not impose a sentence in which the maximum penalty is life imprisonment with a minimum for a term of years included in the same sentence.

(3) In cases involving a major controlled substance offense for which the court is directed by law to impose a sentence which cannot be less than a specified term of years nor more than a specified term of years, the court in imposing the sentence shall fix the length of both the minimum and maximum sentence within those specified limits, in terms of years or fraction thereof, and the sentence so imposed shall be considered an indeterminate sentence.

History: 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17337 ;-- CL 1948, 769.9 ;-- Am. 1957, Act 193, Eff. Sept. 27, 1957 ;-- Am. 1978, Act 77, Eff. Sept. 1, 1978

Former Law: See section 3 of Act 184 of 1905, being CL 1915, § 15861; and Act 259 of 1921.