



# HOUSE BILL No. 4638

May 23, 2017, Introduced by Reps. Rendon, Hughes, Victory, Sheppard, Kesto, Hauck, Hornberger, Greimel, Chang, Hoitenga, Farrington, Leutheuser, Lasinski, Faris, Griffin, Lucido, Alexander, Whiteford, Kelly, Bizon, Kahle, VanderWall, Sabo, Sowerby, Moss, Hammoud, Brinks, Geiss, Ellison, Camilleri, Phelps, Jones, Chirkun, Durhal, Gay-Dagnogo, Clemente, Cochran, Peterson, Dianda, Love, Hoadley, Pagan, Garrett, Green, Yanez, Rabhi, Byrd, Neeley, Schor, Scott, Zemke, Wittenberg, Pagel, LaSata, Calley, Greig, Allor and Lower and referred to the Committee on Law and Justice.

A bill to amend 1927 PA 175, entitled  
 "The code of criminal procedure,"  
 by amending section 16g of chapter XVII (MCL 777.16g), as amended  
 by 2012 PA 195.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### 1 CHAPTER XVII

2 Sec. 16g. (1) This chapter applies to the following felonies  
 3 enumerated in chapter 750 of the Michigan Compiled Laws:

| 4 | M.C.L.         | Category | Class | Description                                                                     | Stat Max |
|---|----------------|----------|-------|---------------------------------------------------------------------------------|----------|
| 5 | 750.135        | Person   | D     | Exposing children<br>with intent to injure<br>or abandon                        | 10       |
| 6 | 750.135a(2)(c) | Person   | D     | Leaving child<br>unattended in vehicle<br>resulting in serious<br>physical harm | 10       |

|    |                |        |   |                                                                                                   |           |
|----|----------------|--------|---|---------------------------------------------------------------------------------------------------|-----------|
| 1  | 750.135a(2)(d) | Person | B | Leaving child<br>unattended in vehicle<br>resulting in death                                      | 15        |
| 2  | 750.136        | PERSON | B | <b>FEMALE GENITAL<br/>MUTILATION VIOLATION</b>                                                    | <b>15</b> |
| 3  | 750.136A       | PERSON | B | <b>TRANSPORTING PERSON<br/>FOR PURPOSE OF FEMALE<br/>GENITAL MUTILATION</b>                       | <b>15</b> |
| 4  | 750.136b(2)    | Person | A | First degree child<br>abuse                                                                       | Life      |
| 5  | 750.136b(4)(a) | Person | C | Second degree child<br>abuse – first offense                                                      | 10        |
| 6  | 750.136b(4)(b) | Person | B | Second degree child<br>abuse – second or<br>subsequent offense                                    | 20        |
| 7  | 750.136b(6)    | Person | G | Third degree child<br>abuse                                                                       | 2         |
| 8  | 750.136c       | Person | B | Buying or selling an<br>individual                                                                | 20        |
| 9  | 750.136d(1)(a) | Person | A | First degree child<br>abuse in presence of<br>another child                                       | Life      |
| 10 | 750.136d(1)(b) | Person | D | Second degree child<br>abuse in presence of<br>another child – first<br>offense                   | 10        |
| 11 | 750.136d(1)(c) | Person | B | Second degree child<br>abuse in presence of<br>another child –<br>second or subsequent<br>offense | 20        |
| 12 | 750.136d(1)(d) | Person | G | Third degree child<br>abuse in presence of<br>another child                                       | 2         |
| 13 | 750.145a       | Person | F | Soliciting child to<br>commit an immoral act                                                      | 4         |
| 14 | 750.145b       | Person | D | Accosting children<br>for immoral purposes<br>with prior conviction                               | 10        |
| 15 | 750.145c(2)    | Person | B | Producing child<br>sexually abusive<br>activity or material                                       | 20        |

|          |                |          |   |                                                                                                                                     |    |
|----------|----------------|----------|---|-------------------------------------------------------------------------------------------------------------------------------------|----|
| <b>1</b> | 750.145c(3)    | Person   | D | Distributing, promoting, or financing the distribution of child sexually abusive activity or material                               | 7  |
| <b>2</b> | 750.145c(4)    | Person   | F | Possessing child sexually abusive material                                                                                          | 4  |
| <b>3</b> | 750.145d(2)(b) | Variable | G | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 1 year but less than 2 years    | 2  |
| <b>4</b> | 750.145d(2)(c) | Variable | F | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 2 years but less than 4 years   | 4  |
| <b>5</b> | 750.145d(2)(d) | Variable | D | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 4 years but less than 10 years  | 10 |
| <b>6</b> | 750.145d(2)(e) | Variable | C | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 10 years but less than 15 years | 15 |
| <b>7</b> | 750.145d(2)(f) | Variable | B | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 15 years or for life            | 20 |
| <b>8</b> | 750.145n(1)    | Person   | C | First degree vulnerable adult abuse                                                                                                 | 15 |

|   |             |        |   |                                                                                                                                    |   |
|---|-------------|--------|---|------------------------------------------------------------------------------------------------------------------------------------|---|
| 1 | 750.145n(2) | Person | F | Second degree<br>vulnerable adult<br>abuse                                                                                         | 4 |
| 2 | 750.145n(3) | Person | G | Third degree<br>vulnerable adult<br>abuse                                                                                          | 2 |
| 3 | 750.145o    | Person | E | Death of vulnerable<br>adult caused by<br>unlicensed caretaker                                                                     | 5 |
| 4 | 750.145p(1) | Person | G | Commingle funds of,<br>obstructing<br>investigation<br>regarding, or filing<br>false information<br>regarding, vulnerable<br>adult | 2 |
| 5 | 750.145p(2) | Person | G | Retaliation or<br>discrimination by<br>caregiver against<br>vulnerable adult                                                       | 2 |
| 6 | 750.145p(5) | Person | E | Caregiver or licensee<br>violation against<br>vulnerable adult –<br><b>SECOND OR</b> subsequent<br>offense                         | 5 |
| 7 | 750.147b    | Person | G | Ethnic intimidation                                                                                                                | 2 |

8           (2) For a violation of section 145d of the Michigan penal  
9 code, 1931 PA 328, MCL 750.145d, determine the offense category,  
10 offense variable level, and prior record variable level based on  
11 the underlying offense.

12           Enacting section 1. This amendatory act takes effect 90 days  
13 after the date it is enacted into law.

14           Enacting section 2. This amendatory act does not take effect  
15 unless all of the following bills of the 99th Legislature are  
16 enacted into law:

17           (a) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
18 02921'17 \*).

**1** (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4637 (request no.  
**2** 03084'17 \*).