



# SENATE BILL No. 1300

November 10, 1994, Introduced by Senator WELBORN and referred to the Committee on Judiciary.

A bill to amend Act No. 175 of the Public Acts of 1927, entitled as amended

"The code of criminal procedure,"

as amended, being sections 760.1 to 776.21 of the Michigan Compiled Laws, by adding section 29 to chapter IX.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 175 of the Public Acts of 1927, as  
2 amended, being sections 760.1 to 776.21 of the Michigan Compiled  
3 Laws, is amended by adding section 29 to chapter IX to read as  
4 follows:

### 5 CHAPTER IX

6 SEC. 29. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), A PERSON  
7 WHO IS CONVICTED OF A FELONY SHALL NOT BE COMMITTED TO A STATE  
8 CORRECTIONAL FACILITY IF THE PERSON'S SENTENCING GUIDELINES SCORE

1 HAS AN UPPER LIMIT FOR THE RECOMMENDED MINIMUM SENTENCE OF 12  
2 MONTHS OR LESS.

3 (2) THE DEPARTMENT MAY VERIFY THE DETERMINATION OF A SEN-  
4 TENCING GUIDELINES SCORE FOR ANY PERSON WHOSE SENTENCING GUIDE-  
5 LINES SCORE IS WITHIN THE CATEGORY DESCRIBED IN SUBSECTION (1).

6 (3) NOTWITHSTANDING SUBSECTION (1), A PERSON WHO IS CON-  
7 VICTED OF ANY OF THE FOLLOWING FELONIES MAY BE COMMITTED TO A  
8 STATE CORRECTIONAL FACILITY:

9 (A) A FELONY COMMITTED BY A PERSON WHILE HE OR SHE IS INCAR-  
10 CERATED IN A STATE CORRECTIONAL FACILITY OR IS ON PAROLE.

11 (B) A FELONY FOR WHICH A CONSECUTIVE SENTENCE IS REQUIRED BY  
12 LAW.

13 (C) A VIOLATION OF SECTION 193 OF THE MICHIGAN PENAL CODE,  
14 ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750.193 OF  
15 THE MICHIGAN COMPILED LAWS, CONCERNING BREAKING PRISON.

16 (D) A VIOLATION OF SECTION 227B OF THE MICHIGAN PENAL CODE,  
17 ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750.227B OF  
18 THE MICHIGAN COMPILED LAWS, CONCERNING CARRYING A FIREARM WHEN  
19 COMMITTING OR ATTEMPTING TO COMMIT A FELONY.

20 (4) FOR PURPOSES OF SUBSECTION (1), BOTH OF THE FOLLOWING  
21 APPLY:

22 (A) THE SENTENCING GUIDELINES SCORE APPLICABLE TO THE UNDER-  
23 LYING FELONY SHALL BE USED IN THE CASE OF A PERSON TO BE SEN-  
24 TENCED AS A REPEAT OFFENDER UNDER SECTION 10, 11, OR 12 OF THIS  
25 CHAPTER.

1 (B) THE SENTENCING GUIDELINES SCORE APPLICABLE TO THE FELONY  
2 HAVING THE LONGEST MAXIMUM SENTENCE SHALL BE USED IN THE CASE OF  
3 A PERSON CONVICTED OF MULTIPLE OFFENSES.

4 (5) THIS SECTION APPLIES TO PERSONS SENTENCED AFTER THE  
5 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

6 (6) AS USED IN THIS SECTION, "SENTENCING GUIDELINES" MEANS  
7 THE GUIDELINES USED FOR SENTENCING PURPOSES THAT ARE IN EFFECT ON  
8 THE DATE OF SENTENCING, REGARDLESS OF WHETHER THOSE GUIDELINES  
9 ARE IMPLEMENTED BY ORDER OF THE SUPREME COURT OR ARE ENACTED INTO  
10 LAW.

11 Section 2. This amendatory act shall take effect January 1,  
12 1995.