

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5419**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 8, 10, 11, 12, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.10, 769.11, 769.12, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 10 and 11 of chapter IX as amended by 1988 PA 90, and section 12 of chapter IX and section 14 of chapter XI as amended and sections 31, 33, and 34 of chapter IX as added by 1994 PA 445, and by adding section 35 to chapter IX and adding chapter XVII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IX

2 Sec. 8. (1) When a person is convicted for the first time
3 for committing a felony and the punishment prescribed by law for
4 that offense may be imprisonment in a state prison, the court

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1 imposing sentence shall not fix a definite term of imprisonment,
2 but shall fix a minimum term, except as otherwise provided in
3 this chapter. The maximum penalty provided by law shall be the
4 maximum sentence in all cases except as provided in this chapter
5 and shall be stated by the judge in imposing the sentence.

6 ~~-(2) If the defendant sentenced to an indeterminate term is~~
7 ~~a person who will be a prisoner subject to disciplinary time~~
8 ~~under section 34 of Act No. 118 of the Public Acts of 1893, being~~
9 ~~section 800.34 of the Michigan Compiled Laws, the court shall~~
10 ~~advise the defendant that his or her minimum term may be extended~~
11 ~~by the addition of disciplinary time pursuant to section 34 of~~
12 ~~Act No. 118 of the Public Acts of 1893 for misconduct while a~~
13 ~~prisoner.~~

14 (2) ~~-(3)-~~ Before or at the time of imposing ~~the~~ sentence,
15 the judge shall ascertain by examining the ~~convict~~ DEFENDANT
16 under oath, or otherwise, and by other evidence as can be
17 obtained tending to indicate briefly the causes of the
18 DEFENDANT'S criminal character or conduct, ~~of the convict,~~
19 which facts and other facts that appear to be pertinent in the
20 case ~~,~~ the judge shall cause to be entered upon the minutes of
21 the court.

22 Sec. 10. (1) If a person has been convicted of a felony ~~,~~
23 OR an attempt to commit a felony, ~~or both,~~ whether the convic-
24 tion occurred in this state or would have been for a felony OR
25 ATTEMPT TO COMMIT A FELONY in this state if ~~the conviction~~
26 ~~obtained outside this state had been~~ obtained in this state, and
27 that person commits a subsequent felony within this state, the

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1 person shall be punished upon conviction OF THE SUBSEQUENT FELONY
2 AND SENTENCING UNDER SECTION 13 OF THIS CHAPTER as follows:

3 (a) If the subsequent felony is punishable upon a first con-
4 viction by imprisonment for a term less than life, ~~then~~ the
5 court, except as otherwise provided in this section or ~~in~~ sec-
6 tion 1 of chapter ~~11~~ XI, may place the person on probation or
7 sentence the person to imprisonment for a maximum term ~~which~~
8 THAT is not more than 1-1/2 times the longest term prescribed for
9 a first conviction of that offense or for a lesser term.

10 (b) If the subsequent felony is punishable upon a first con-
11 viction by imprisonment for life, ~~then~~ the court, except as
12 otherwise provided in this section or ~~in~~ section 1 of chapter
13 ~~11~~ XI, may place the person on probation or sentence the person
14 to imprisonment for life or for a lesser term.

15 (c) If the subsequent felony is a major controlled substance
16 offense, the person shall be punished as provided by part 74 of
17 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~
18 ~~being sections 333.7401 to 333.7415 of the Michigan Compiled~~
19 ~~Laws~~ 1978 PA 368, MCL 333.7401 TO 333.7461.

20 (2) If the court pursuant to this section imposes a sentence
21 of imprisonment for any term of years, the court shall fix the
22 length of both the minimum and maximum sentence within any speci-
23 fied limits in terms of years or A fraction ~~thereof~~ OF A YEAR
24 and the sentence so imposed shall be considered an indeterminate
25 sentence.

26 (3) A CONVICTION SHALL NOT BE USED TO ENHANCE A SENTENCE
27 UNDER THIS SECTION IF THAT CONVICTION IS USED TO ENHANCE A

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1 SENTENCE UNDER A STATUTE THAT PROHIBITS USE OF THE CONVICTION FOR
2 FURTHER ENHANCEMENT UNDER THIS SECTION.

3 Sec. 11. (1) If a person has been convicted of ANY COMBINA-
4 TION OF 2 or more felonies ~~—~~ OR attempts to commit felonies,
5 ~~or both,~~ whether the convictions occurred in this state or
6 would have been for felonies OR ATTEMPTS TO COMMIT FELONIES in
7 this state if ~~the convictions obtained outside this state had~~
8 ~~been~~ obtained in this state, and that person commits a subse-
9 quent felony within this state, the person shall be punished upon
10 conviction OF THE SUBSEQUENT FELONY AND SENTENCING UNDER SECTION
11 13 OF THIS CHAPTER as follows:

12 (a) If the subsequent felony is punishable upon a first con-
13 viction by imprisonment for a term less than life, ~~then~~ the
14 court, except as otherwise provided in this section or section 1
15 of chapter ~~11~~ XI, may sentence the person to imprisonment for a
16 maximum term ~~which~~ THAT is not more than twice the longest term
17 prescribed by law for a first conviction of that offense or for a
18 lesser term.

19 (b) If the subsequent felony is punishable upon a first con-
20 viction by imprisonment for life, ~~then~~ the court, except as
21 otherwise provided in this section or section 1 of chapter ~~11~~
22 XI, may sentence the person to imprisonment for life or for a
23 lesser term.

24 (c) If the subsequent felony is a major controlled substance
25 offense, the person shall be punished as provided by part 74 of
26 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~

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1 ~~being sections 333.7401 to 333.7415 of the Michigan Compiled~~
2 ~~Laws~~ 1978 PA 368, MCL 333.7401 TO 333.7461.

3 (2) If the court pursuant to this section imposes a sentence
4 of imprisonment for any term of years, the court shall fix the
5 length of both the minimum and maximum sentence within any speci-
6 fied limits in terms of years or A fraction ~~thereof~~ OF A YEAR,
7 and the sentence so imposed shall be considered an indeterminate
8 sentence.

9 (3) A CONVICTION SHALL NOT BE USED TO ENHANCE A SENTENCE
10 UNDER THIS SECTION IF THAT CONVICTION IS USED TO ENHANCE A SEN-
11 TENCE UNDER A STATUTE THAT PROHIBITS USE OF THE CONVICTION FOR
12 FURTHER ENHANCEMENT UNDER THIS SECTION.

13 Sec. 12. (1) If a person has been convicted of any combina-
14 tion of 3 or more felonies or attempts to commit felonies,
15 whether the convictions occurred in this state or would have been
16 for felonies or attempts to commit felonies in this state if
17 obtained in this state, and that person commits a subsequent
18 felony within this state, the person shall be punished upon con-
19 viction of the subsequent felony and sentencing under section 13
20 of this chapter as follows:

21 (a) If the subsequent felony is punishable upon a first con-
22 viction by imprisonment for a maximum term of 5 years or more or
23 for life, the court, except as otherwise provided in this section
24 or section 1 of chapter XI, may sentence the person ~~upon convic-~~
25 ~~tion of the fourth or subsequent offense~~ to imprisonment for
26 life or for a lesser term.

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1 (b) If the subsequent felony is punishable upon a first
2 conviction by imprisonment for a maximum term that is less than 5
3 years, the court, except as otherwise provided in this section or
4 section 1 of chapter XI, may sentence the person to imprisonment
5 for a maximum term of not more than 15 years.

6 (c) If the subsequent felony is a major controlled substance
7 offense, the person shall be punished as provided by part 74 of
8 the public health code, ~~Act No. 368 of the Public Acts of 1978,~~
9 ~~being sections 333.7401 to 333.7461 of the Michigan Compiled~~
10 ~~Laws~~ 1978 PA 368, MCL 333.7401 TO 333.7461.

11 (2) If the court pursuant to this section imposes a sentence
12 of imprisonment for any term of years, the court shall fix the
13 length of both the minimum and maximum sentence within any speci-
14 fied limits in terms of years or a fraction of a year, and the
15 sentence so imposed shall be considered an indeterminate
16 sentence.

17 (3) A CONVICTION SHALL NOT BE USED TO ENHANCE A SENTENCE
18 UNDER THIS SECTION IF THAT CONVICTION IS USED TO ENHANCE A SEN-
19 TENCE UNDER A STATUTE THAT PROHIBITS USE OF THE CONVICTION FOR
20 FURTHER ENHANCEMENT UNDER THIS SECTION.

21 (4) ~~(3)~~ An offender sentenced under this section or sec-
22 tion 10 or 11 of this chapter for an offense other than a major
23 controlled substance offense is not eligible for parole until
24 expiration of the following:

25 (a) For a prisoner other than a prisoner subject to disci-
26 plinary time, the minimum term fixed by the sentencing judge at
27 the time of sentence unless the sentencing judge or a successor

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1 gives written approval for parole at an earlier date authorized
2 by law.

3 (b) For a prisoner subject to disciplinary time, the minimum
4 term fixed by the sentencing judge. ~~plus any disciplinary time~~
5 ~~accumulated pursuant to section 34 of Act No. 118 of the Public~~
6 ~~Acts of 1893, being section 800.34 of the Michigan Compiled~~
7 ~~Laws.~~

8 (5) ~~(4)~~ This section and sections 10 and 11 of this chap-
9 ter are not in derogation of other provisions of law that permit
10 or direct the imposition of a consecutive sentence for a subse-
11 quent felony.

12 (6) ~~(5)~~ As used in this section, "prisoner subject to dis-
13 ciplinary time" means that term as defined in section 34 of ~~Act~~
14 ~~No. 118 of the Public Acts of 1893, being section 800.34 of the~~
15 ~~Michigan Compiled Laws~~ 1893 PA 118, MCL 800.34.

16 Sec. 31. As used in this section and sections 32 to 34 of
17 this chapter:

18 (a) "Commission" means the sentencing commission created in
19 section 32 of this chapter.

20 (b) "Departure" means a sentence imposed that is not within
21 the appropriate minimum sentence range established under the sen-
22 tencing guidelines ~~developed pursuant to section 33 of this~~ SET
23 FORTH IN chapter XVII.

24 (c) "Intermediate sanction" means probation or any sanction,
25 other than imprisonment in a state prison or state reformatory,
26 that may lawfully be imposed. Intermediate sanction includes,
27 but is not limited to, 1 or more of the following:

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- 1 (i) Inpatient or outpatient drug treatment.
- 2 (ii) Probation with any probation conditions required or
3 authorized by law.
- 4 (iii) Residential probation.
- 5 (iv) Probation with jail.
- 6 (v) Probation with special alternative incarceration.
- 7 (vi) Mental health treatment.
- 8 (vii) Mental health or substance abuse counseling.
- 9 (viii) Jail.
- 10 (ix) Jail with work or school release.
- 11 (x) Jail, with or without authorization for day parole under
12 ~~Act No. 60 of the Public Acts of 1962, being sections 801.251 to~~
13 ~~801.258 of the Michigan Compiled Laws~~ 1962 PA 60, MCL 801.251 TO
14 801.258.
- 15 (xi) Participation in a community corrections program.
- 16 (xii) Community service.
- 17 (xiii) Payment of a fine.
- 18 (xiv) House arrest.
- 19 (xv) Electronic monitoring.
- 20 (d) "Offender characteristics" means only the prior criminal
21 record of an offender.
- 22 (e) "Offense characteristics" means the elements of the
23 crime and the aggravating and mitigating factors relating to the
24 offense that the commission determines are appropriate and con-
25 sistent with the criteria described in section 33(1)(e) of this
26 chapter. For purposes of this subdivision, an offense described
27 in section 33b of ~~Act No. 232 of the Public Acts of 1953, being~~

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1 ~~section 791.233b of the Michigan Compiled Laws~~ 1953 PA 232, MCL
2 791.233B, that resulted in a conviction and that arose out of the
3 same transaction as the offense for which the sentencing guide-
4 lines are being scored shall be considered as an aggravating
5 factor.

6 (f) "Prior criminal record" means all of the following:

7 (i) Misdemeanor and felony convictions.

8 (ii) Probation and parole violations involving criminal
9 activity.

10 (iii) Dispositions entered ~~pursuant to~~ UNDER section 18 of
11 chapter XIIIA of ~~Act No. 288 of the Public Acts of 1939, being~~
12 ~~section 712A.18 of the Michigan Compiled Laws~~ 1939 PA 288, MCL
13 712A.18, for acts that would have been crimes if committed by an
14 adult.

15 (iv) Assignment to youthful trainee status ~~pursuant to~~
16 UNDER sections 11 to 15 of chapter II.

17 (v) A conviction set aside ~~pursuant to Act No. 213 of the~~
18 ~~Public Acts of 1965, being sections 780.621 to 780.624 of the~~
19 ~~Michigan Compiled Laws~~ UNDER 1965 PA 213, MCL 780.621 TO
20 780.624.

21 (vi) Dispositions described in subparagraph (iii) that have
22 been set aside under section 18e of chapter XIIIA of ~~Act No. 288~~
23 ~~of the Public Acts of 1939, being section 712A.18e of the~~
24 ~~Michigan Compiled Laws~~ 1939 PA 288, MCL 712A.18E, or expunged.

25 (g) "Total capacity of state correctional facilities" means,
26 at any given time, the capacities of all permanent and temporary
27 state correctional facilities in use and all state correctional

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1 facilities approved for construction ~~pursuant to~~ UNDER the
2 joint capital outlay process as of the preceding June 1.

3 Sec. 33. (1) The commission shall do all of the following:

4 (a) Collect, prepare, analyze, and disseminate information
5 regarding state and local sentencing practices for felonies and
6 the use of prisons and jails. The state court administrator
7 shall continue to collect data regarding sentencing practices and
8 shall provide the data necessary to the commission.

9 (b) Conduct on-going research regarding the impact of the
10 sentencing guidelines ~~developed pursuant to this section~~ SET
11 FORTH IN CHAPTER XVII.

12 (c) Collect, analyze, and compile data and make projections
13 regarding the populations and capacities of state and local cor-
14 rectional facilities and the impact of the sentencing guidelines
15 on those populations and capacities.

16 (d) In cooperation with the state court administrator, col-
17 lect, analyze, and compile data regarding the effect of sentenc-
18 ing guidelines on the case load, docket flow, and case backlog of
19 the trial and appellate courts of this state.

20 (e) Develop ~~sentencing guidelines, including sentence~~
21 ~~ranges for the minimum sentence for each offense and intermediate~~
22 ~~sanctions as provided in subsection (3), and~~ modifications to
23 the SENTENCING guidelines as provided in subsection ~~(5)~~ (4).
24 ~~The sentencing guidelines and any~~ ANY modifications to the
25 SENTENCING guidelines shall accomplish all of the following:

26 (i) Provide for protection of the public.

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1 (ii) ~~An~~ CONSIDER AN offense involving violence against a
2 person ~~shall be considered~~ AS more severe than other offenses.

3 (iii) Be proportionate to the seriousness of the offense and
4 the offender's prior criminal record.

5 (iv) Reduce sentencing disparities based on factors other
6 than offense characteristics and offender characteristics and
7 ensure that offenders with similar offense and offender charac-
8 teristics receive substantially similar sentences.

9 (v) Specify the circumstances under which a term of impris-
10 onment is proper and the circumstances under which intermediate
11 sanctions are proper.

12 (vi) Establish sentence ranges for imprisonment that are
13 within the minimum and maximum sentences allowed by law for the
14 offenses to which the ranges apply.

15 (vii) ~~Establish~~ MAINTAIN separate sentence ranges for con-
16 victions under the habitual offender provisions in sections 10,
17 11, 12, and 13 of this chapter, which may include as an aggravat-
18 ing factor, among other relevant considerations, that the accused
19 has engaged in a pattern of proven or admitted criminal
20 behavior.

21 (viii) Establish sentence ranges the commission considers
22 appropriate.

23 (2) In developing ~~recommended~~ MODIFICATIONS TO THE sen-
24 tencing guidelines, the commission shall consider the likelihood
25 that the capacity of state and local correctional facilities will
26 be exceeded. The commission shall submit to the legislature a
27 prison impact report relating to any MODIFICATIONS TO sentencing

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1 guidelines. ~~submitted under this section.~~ The report shall
2 include the projected impact on total capacity of state correc-
3 tional facilities.

4 (3) ~~The~~ MODIFICATIONS TO sentencing guidelines shall
5 include recommended intermediate sanctions for each case in which
6 the upper limit of the recommended minimum sentence range is
7 18 months or less.

8 ~~(4) The commission shall submit the recommended sentencing~~
9 ~~guidelines developed pursuant to this section to the secretary of~~
10 ~~the senate and the clerk of the house of representatives on or~~
11 ~~before July 15, 1996. If a proper request is submitted by a~~
12 ~~senior member of the legislature, the legislative service bureau~~
13 ~~shall prepare by September 15, 1996 a bill embodying the~~
14 ~~commission's recommended sentencing guidelines for introduction.~~
15 ~~If sentencing guidelines are not enacted into law by the legisla-~~
16 ~~ture by December 31, 1996, the commission shall revise the guide-~~
17 ~~lines and submit the revised sentencing guidelines to the secre-~~
18 ~~tary of the senate and the clerk of the house of representatives~~
19 ~~by March 31, 1997. If sentencing guidelines are not enacted into~~
20 ~~law by the legislature within 60 days after the commission sub-~~
21 ~~mits the revised sentencing guidelines to the secretary of the~~
22 ~~senate and the clerk of the house of representatives, the commis-~~
23 ~~sion shall revise the sentencing guidelines and submit the~~
24 ~~revised guidelines to the secretary of the senate and the clerk~~
25 ~~of the house of representatives within 90 days. The revised sen-~~
26 ~~tencing guidelines are subject to the requirements of~~
27 ~~subsections (1), (2), and (3) and to the same enactment process~~

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1 ~~as the sentencing guidelines originally submitted pursuant to~~
2 ~~this subsection. Until the legislature enacts sentencing guide-~~
3 ~~lines into law, the commission shall continue to revise and~~
4 ~~resubmit the sentencing guidelines to the legislature as provided~~
5 ~~in this subsection.~~

6 (4) ~~-(5)-~~ The commission may recommend modifications to the
7 sentencing guidelines ~~enacted into law under subsection (4)~~ SET
8 FORTH IN CHAPTER XVII. Modifications of those sentencing guide-
9 lines shall not be recommended sooner than ~~2 years after the~~
10 ~~effective date of those sentencing guidelines,~~ JANUARY 1, 2001
11 unless the modifications are based upon omissions, technical
12 errors, changes in the law, or court decisions. Subsequent modi-
13 fications shall not be recommended sooner than 2 years after pre-
14 vious modifications other than modifications based upon omis-
15 sions, technical errors, changes in the law, or court decisions.
16 ~~Any modification proposed by the commission as permitted under~~
17 ~~this subsection is subject to the same enactment process as set~~
18 ~~forth in subsection (4).~~

19 (5) THE COMMISSION SHALL SUBMIT ANY RECOMMENDED MODIFICA-
20 TIONS TO THE SENTENCING GUIDELINES TO THE SECRETARY OF THE SENATE
21 AND THE CLERK OF THE HOUSE OF REPRESENTATIVES. IF THE LEGISLA-
22 TURE DOES NOT ENACT MODIFICATIONS TO THE SENTENCING GUIDELINES
23 WITHIN 60 DAYS AFTER INTRODUCTION OF A BILL TO ENACT SENTENCING
24 GUIDELINES MODIFICATIONS BASED ON THE RECOMMENDATIONS, THE COM-
25 MISSION SHALL REVISE THE RECOMMENDED MODIFICATIONS AND SUBMIT
26 THEM TO THE SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF
27 REPRESENTATIVES WITHIN 90 DAYS. THE REVISED MODIFICATIONS ARE

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1 SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS (1), (2), AND (3).
2 UNTIL THE LEGISLATURE ENACTS MODIFICATIONS TO THE SENTENCING
3 GUIDELINES INTO LAW, THE COMMISSION SHALL CONTINUE TO REVISE AND
4 RESUBMIT THE MODIFICATIONS TO THE LEGISLATURE UNDER THE SCHEDULE
5 PROVIDED IN THIS SUBSECTION.

6 Sec. 34. (1) The sentencing guidelines promulgated by order
7 of the Michigan supreme court shall not apply to felonies
8 ENUMERATED IN PART 2 OF CHAPTER XVII committed on or after ~~the~~
9 ~~effective date of the act by which the legislature enacts sen-~~
10 ~~tencing guidelines into law~~ JANUARY 1, 1999.

11 (2) Except AS OTHERWISE PROVIDED IN THIS SUBSECTION OR for a
12 departure from the appropriate minimum sentence range provided
13 for under subsection (3), the minimum sentence imposed by a court
14 of this state for a felony ENUMERATED IN PART 2 OF CHAPTER XVII
15 committed on or after ~~the effective date of the act first enact-~~
16 ~~ing into law the sentencing guidelines developed pursuant to~~
17 ~~section 33 of this chapter~~ JANUARY 1, 1999 shall be within the
18 appropriate sentence range under the VERSION OF THOSE sentencing
19 guidelines in effect on the date the crime was committed. BOTH
20 OF THE FOLLOWING APPLY TO MINIMUM SENTENCES UNDER THIS
21 SUBSECTION:

22 (A) IF A STATUTE MANDATES A MINIMUM SENTENCE, THE COURT
23 SHALL IMPOSE SENTENCE IN ACCORDANCE WITH THAT STATUTE. IMPOSING
24 A MANDATORY MINIMUM SENTENCE IS NOT A DEPARTURE UNDER THIS
25 SECTION.

26 (B) THE COURT SHALL NOT IMPOSE A MINIMUM SENTENCE, INCLUDING
27 A DEPARTURE, THAT EXCEEDS 2/3 OF THE STATUTORY MAXIMUM SENTENCE.

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1 (3) ~~Subject to the following limitations, a~~ A court may
2 depart from the appropriate sentence range established under the
3 sentencing guidelines ~~enacted into law pursuant to section 33 of~~
4 ~~this~~ SET FORTH IN chapter XVII if the court has a substantial
5 and compelling reason for that departure and states on the record
6 the reasons for departure. ALL OF THE FOLLOWING APPLY TO A
7 DEPARTURE:

8 (a) The court shall not use an individual's gender, race,
9 ethnicity, alienage, national origin, legal occupation, lack of
10 employment, representation by appointed legal counsel, represen-
11 tation by retained legal counsel, appearance in propria persona,
12 or religion to depart from the appropriate sentence range.

13 (b) The court shall not base a departure on an offense char-
14 acteristic or offender characteristic already taken into account
15 in determining the appropriate sentence range unless the court
16 finds from the facts contained in the court record, including the
17 presentence investigation report, that the characteristic has
18 been given inadequate or disproportionate weight.

19 (4) ~~Beginning on the effective date of the act first enact-~~
20 ~~ing into law the sentencing guidelines developed pursuant to sec-~~
21 ~~tion 33 of this chapter, if~~ INTERMEDIATE SANCTIONS SHALL BE
22 IMPOSED UNDER THIS CHAPTER AS FOLLOWS:

23 (A) IF the upper limit of the ~~appropriate~~ RECOMMENDED min-
24 imum sentence RANGE for a defendant ~~convicted for a felony com-~~
25 ~~mited on or after that date is 18 months or less~~ DETERMINED
26 under the sentencing guidelines SET FORTH IN CHAPTER XVII IS 18
27 MONTHS OR LESS, the court shall impose an intermediate sanction

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1 unless the court states on the record a substantial and
2 compelling reason to sentence the individual to the jurisdiction
3 of the department of corrections. AN INTERMEDIATE SANCTION MAY
4 INCLUDE A JAIL TERM THAT DOES NOT EXCEED THE UPPER LIMIT OF THE
5 RECOMMENDED MINIMUM SENTENCE RANGE OR 12 MONTHS, WHICHEVER IS
6 LESS.

7 (B) IF THE OFFENSE IS A VIOLATION OF SECTION 7401(2)(A)(iv)
8 OR 7403(2)(A)(iv) OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
9 333.7401 AND 333.7403, AND THE UPPER LIMIT OF THE RECOMMENDED
10 MINIMUM SENTENCE RANGE IS 18 MONTHS OR LESS, THE COURT SHALL
11 IMPOSE A SENTENCE OF LIFE PROBATION ABSENT A DEPARTURE.

12 (C) IF AN ATTEMPT TO COMMIT A FELONY DESIGNATED IN OFFENSE
13 CLASS H IN PART 2 OF THIS CHAPTER IS PUNISHABLE BY IMPRISONMENT
14 FOR MORE THAN 1 YEAR, THE COURT SHALL IMPOSE AN INTERMEDIATE
15 SANCTION UPON CONVICTION OF THAT OFFENSE ABSENT A DEPARTURE.

16 (D) IF THE UPPER LIMIT OF THE RECOMMENDED MINIMUM SENTENCE
17 EXCEEDS 18 MONTHS AND THE LOWER LIMIT OF THE RECOMMENDED MINIMUM
18 SENTENCE IS 12 MONTHS OR LESS, THE COURT SHALL SENTENCE THE
19 OFFENDER AS FOLLOWS ABSENT A DEPARTURE:

20 (i) TO IMPRISONMENT WITH A MINIMUM TERM WITHIN THAT RANGE.

21 (ii) TO AN INTERMEDIATE SANCTION THAT MAY INCLUDE A TERM OF
22 IMPRISONMENT OF NOT LESS THAN THE MINIMUM RANGE OR MORE THAN 12
23 MONTHS.

24 (5) If a crime has a mandatory determinant penalty or a man-
25 datory penalty of life imprisonment, the court shall impose that
26 penalty. This section does not apply to sentencing for that
27 crime.

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1 (6) As part of the sentence, the court may also order the
2 defendant to pay any combination of a fine, costs, or applicable
3 assessments. The court shall order payment of restitution as
4 provided by law.

5 (7) If the trial court imposes on a defendant a minimum sen-
6 tence that is longer or more severe than the appropriate sentence
7 range, as part of the court's advice of the defendant's rights
8 concerning appeal, the court shall advise the defendant orally
9 and in writing that he or she may appeal the sentence as provided
10 by law on grounds that it is longer or more severe than the
11 appropriate sentence range.

12 (8) All of the following shall be part of the record filed
13 for an appeal of a sentence under this section:

14 (a) An entire record of the sentencing proceedings.

15 (b) The presentence investigation report. Any portion of
16 the presentence investigation report exempt from disclosure by
17 law shall not be a public record.

18 (c) Any other reports or documents the sentencing court used
19 in imposing sentence.

20 (9) An appeal of a sentence under this section does not stay
21 execution of the sentence.

22 (10) If a minimum sentence is within the appropriate guide-
23 lines sentence range, the court of appeals shall affirm that sen-
24 tence and shall not remand for resentencing absent an error in
25 scoring the sentencing guidelines or inaccurate information
26 relied upon in determining the defendant's sentence. A party
27 shall not raise on appeal an issue challenging the scoring of the

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1 sentencing guidelines or challenging the accuracy of information
2 relied upon in determining a sentence that is within the appro-
3 priate guidelines sentence range unless the party has raised the
4 issue at sentencing, in a proper motion for resentencing, or in a
5 proper motion to remand filed in the court of appeals.

6 (11) If, upon a review of the record, the court of appeals
7 finds the trial court did not have a substantial and compelling
8 reason for departing from the appropriate sentence range, the
9 court shall remand the matter to the sentencing judge or another
10 trial court judge for resentencing ~~pursuant to~~ UNDER this
11 chapter.

12 (12) Time served on the sentence appealed under this section
13 is considered time served on any sentence imposed after remand.

14 SEC. 35. THE DEPARTMENT OF CORRECTIONS SHALL OPERATE A JAIL
15 REIMBURSEMENT PROGRAM THAT PROVIDES FUNDING TO COUNTIES FOR HOUS-
16 ING OFFENDERS IN COUNTY JAILS WHO OTHERWISE WOULD HAVE BEEN SEN-
17 TENCED TO PRISON. THE CRITERIA FOR REIMBURSEMENT, INCLUDING BUT
18 NOT LIMITED TO CRITERIA FOR DETERMINING THOSE OFFENDERS WHO OTH-
19 ERWISE WOULD HAVE BEEN SENTENCED TO PRISON, AND THE RATE OF REIM-
20 BURSEMENT SHALL BE ESTABLISHED IN THE ANNUAL APPROPRIATIONS ACTS
21 FOR THE DEPARTMENT OF CORRECTIONS.

22 CHAPTER XI

23 Sec. 14. (1) Before the court sentences a person charged
24 with a felony or a person who is a licensee or registrant under
25 article 15 of the public health code, ~~Act No. 368 of the Public~~
26 ~~Acts of 1978, being sections 333.16101 to 333.18838 of the~~
27 ~~Michigan Compiled Laws~~ 1978 PA 368, MCL 333.16101 TO 333.18838,

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1 as described in section 1(11) of chapter IX, and, if directed by
2 the court, in any other case in which a person is charged with a
3 misdemeanor within the jurisdiction of the court, the probation
4 officer shall inquire into the antecedents, character, and cir-
5 cumstances of the person, and shall report in writing to the
6 court.

7 (2) A presentence investigation report prepared ~~pursuant~~
8 ~~to~~ UNDER subsection (1) shall include all of the following:

9 (a) An evaluation of and a prognosis for the person's
10 adjustment in the community based on factual information con-
11 tained in the report.

12 (b) If requested by a victim, any written impact statement
13 submitted by the victim ~~pursuant to~~ UNDER the crime victim's
14 rights act, ~~Act No. 87 of the Public Acts of 1985, being~~
15 ~~sections 780.751 to 780.834 of the Michigan Compiled Laws~~ 1985
16 PA 87, MCL 780.751 TO 780.834.

17 (c) A specific written recommendation for disposition based
18 on the evaluation and other information as prescribed by the
19 assistant director of the department of corrections in charge of
20 probation.

21 (d) A statement prepared by the prosecuting attorney as to
22 whether consecutive sentencing is required or authorized by law.

23 (e) For a person to be sentenced ~~pursuant to~~ UNDER the
24 sentencing guidelines ~~enacted into law pursuant to section 33~~
25 ~~of~~ SET FORTH IN chapter ~~IX~~ XVII, all of the following:

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1 (i) For each conviction entered, the sentence grid IN PART 6
2 OF CHAPTER XVII that contains the ~~appropriate~~ RECOMMENDED
3 minimum sentence ~~range~~ RANGES.

4 (ii) The computation that determines the ~~appropriate~~
5 RECOMMENDED minimum sentence range for each conviction entered.

6 (iii) A specific statement as to the applicability of inter-
7 mediate sanctions, as defined in section 31 of chapter IX.

8 (iv) The recommended sentence.

9 (f) If a person is to be sentenced for A FELONY OR FOR a
10 misdemeanor involving the illegal delivery, possession, or use of
11 alcohol or a controlled substance, ~~or a felony,~~ a statement
12 that the person is licensed or registered under article 15 of the
13 public health code, ~~Act No. 368 of the Public Acts of 1978,~~
14 ~~being sections 333.16101 to 333.18838 of the Michigan Compiled~~
15 ~~Laws~~ 1978 PA 368, MCL 333.16101 TO 333.18838, if applicable.

16 (g) Diagnostic opinions that are available and not exempted
17 from disclosure under subsection (3).

18 (3) The court may exempt from disclosure in the presentence
19 investigation report information or a diagnostic opinion that
20 might seriously disrupt a program of rehabilitation or sources of
21 information obtained on a promise of confidentiality. If a part
22 of the presentence investigation report is not disclosed, the
23 court shall state on the record the reasons for its action and
24 inform the defendant and his or her attorney that information has
25 not been disclosed. The action of the court in exempting infor-
26 mation from disclosure is subject to appellate review.
27 Information or a diagnostic opinion exempted from disclosure

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1 pursuant to this subsection shall be specifically noted in the
2 presentence investigation report.

3 (4) IF A PREPARED PRESENTENCE INVESTIGATION REPORT IS
4 AMENDED OR ALTERED BEFORE SENTENCING BY THE SUPERVISOR OF THE
5 PROBATION OFFICER WHO PREPARED THE REPORT OR BY ANY OTHER PERSON
6 WHO HAS THE AUTHORITY TO AMEND OR ALTER A PRESENTENCE INVESTIGA-
7 TION REPORT, THE PROBATION OFFICER MAY REQUEST THAT THE COURT
8 STRIKE HIS OR HER NAME FROM THE REPORT AND THE COURT SHALL COMPLY
9 WITH THAT REQUEST.

10 (5) ~~(4)~~ The court shall permit the prosecutor, the
11 defendant's attorney, and the defendant to review the presentence
12 investigation report before sentencing.

13 (6) ~~(5)~~ At the time of sentencing, either party may chal-
14 lenge, on the record, the accuracy or relevancy of any informa-
15 tion contained in the presentence investigation report. The
16 court may order an adjournment to permit the parties to prepare a
17 challenge or a response to a challenge. If the court finds on
18 the record that the challenged information is inaccurate or
19 irrelevant, that finding shall be made a part of the record, the
20 presentence investigation report shall be amended, and the inac-
21 curate or irrelevant information shall be stricken accordingly
22 before the report is transmitted to the department of
23 corrections.

24 (7) ~~(6)~~ On appeal, the defendant's attorney, or the
25 defendant if proceeding pro se, shall be provided with a copy of
26 the presentence investigation report and any attachments to the
27 report with the exception of any information exempted from

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1 disclosure ~~, on the record,~~ by the court ~~pursuant to~~ UNDER
2 subsection (3).

3 (8) ~~-(7)-~~ If the person is committed to a state penal insti-
4 tution, a copy or amended copy of the presentence investigation
5 report and, if a psychiatric examination of the person has been
6 made for the court, a copy of the psychiatric report shall accom-
7 pany the commitment papers. If the person is sentenced by fine
8 or imprisonment or placed on probation or other disposition of
9 his or her case is made by the court, a copy or amended copy of
10 the presentence investigation report, including a psychiatric
11 examination report made in the case, shall be filed with the
12 department of corrections.

13 (9) ~~-(8)-~~ A prisoner under the jurisdiction of the depart-
14 ment of corrections shall be provided with a copy of any presen-
15 tence investigation report in the department's possession about
16 that prisoner, except for information exempted from disclosure
17 ~~pursuant to~~ UNDER subsection (3), not less than 30 days before
18 a parole interview is conducted ~~pursuant to~~ UNDER section 35 of
19 ~~Act No. 232 of the Public Acts of 1953, being section 791.235 of~~
20 ~~the Michigan Compiled Laws~~ 1953 PA 232, MCL 791.235.

21

CHAPTER XVII

22

PART 1

23

GENERAL PROVISIONS

24

SEC. 1. AS USED IN THIS CHAPTER:

25

(A) "AIRCRAFT" MEANS THAT TERM AS DEFINED IN SECTION 4 OF
26 THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327, MCL
27 259.4.

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1 (B) "DEPARTURE" MEANS THAT TERM AS DEFINED IN SECTION 31 OF
2 CHAPTER IX.

3 (C) "HOMICIDE" MEANS ANY CRIME IN WHICH THE DEATH OF A HUMAN
4 BEING IS AN ELEMENT OF THAT CRIME.

5 (D) "INTERMEDIATE SANCTION" MEANS THAT TERM AS DEFINED IN
6 SECTION 31 OF CHAPTER IX.

7 (E) "VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 79 OF
8 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.49.

9 SEC. 5. THE OFFENSE CATEGORIES ARE DESIGNATED IN PART 2 OF
10 THIS CHAPTER AS FOLLOWS:

11 (A) CRIMES AGAINST A PERSON ARE DESIGNATED "PERSON".

12 (B) CRIMES AGAINST PROPERTY ARE DESIGNATED "PROPERTY".

13 (C) CRIMES INVOLVING A CONTROLLED SUBSTANCE ARE DESIGNATED
14 "CS".

15 (D) CRIMES AGAINST PUBLIC ORDER ARE DESIGNATED "PUB ORD".

16 (E) CRIMES AGAINST PUBLIC TRUST ARE DESIGNATED "PUB TRST".

17 (F) CRIMES AGAINST PUBLIC SAFETY ARE DESIGNATED "PUB SAF".

18 SEC. 6. THE OFFENSE DESCRIPTIONS IN PART 2 OF THIS CHAPTER
19 ARE FOR ASSISTANCE ONLY AND THE STATUTES LISTED GOVERN APPLICA-
20 TION OF THE SENTENCING GUIDELINES.

21 PART 2

22 SEC. 11. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
23 ENUMERATED IN CHAPTERS 1 TO 199 OF THE MICHIGAN COMPILED LAWS:

24	M.C.L.	CATEGORY	CLASS	DESCRIPTION
	STAT MAX			
25	4.421(1)	PUB TRST	G	LOBBYISTS -- COMPENSATION CON-
26				TINGENT ON OUTCOME OF ACTION
	3			
27	4.421(2)	PUB TRST	G	LOBBYISTS GIVING GIFTS
	3			

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1	18.366(1)	PROPERTY	E	FALSE PRESENTATION TO CRIME
2				VICTIM SERVICES COMMISSION
3				TO OBTAIN MORE THAN \$100
	10			
4	18.1268(9)	PUB TRST	H	PURPOSEFULLY SUBMITTING FALSE
5				BUSINESS CERTIFICATION
	FINE			
6	21.154	PUB TRST	E	PUBLIC OFFICER -- EMBEZZLEMENT
	5			
7	28.293(1)	PUB ORD	E	FALSE INFORMATION WHEN APPLY-
8				ING FOR STATE ID
	5			
9	28.293(2)	PUB ORD	D	FALSE INFORMATION WHEN APPLY-
10				ING FOR STATE ID -- SECOND
11				OFFENSE
	7			
12	28.293(3)	PUB ORD	C	FALSE INFORMATION WHEN APPLY-
13				ING FOR STATE ID -- THIRD OR
14				SUBSEQUENT OFFENSE
	15			
15	28.295(1)(A)	PUB ORD	H	FORGING STATE ID CARD TO
16				COMMIT FELONY
	4			
17	28.295(3)	PROPERTY	H	USING STOLEN STATE ID CARD TO
18				COMMIT FELONY
	VARIABLE			
19	28.295A(1)	PUB ORD	H	FALSE REPRESENTATION TO OBTAIN
20				OR MISUSE PERSONAL
21				INFORMATION
	4			
22	28.295A(2)	PUB ORD	G	FALSE REPRESENTATION TO OBTAIN
23				OR MISUSE PERSONAL INFORMA-
24				TION -- SECOND OFFENSE
	7			
25	28.295A(3)	PUB ORD	C	FALSE REPRESENTATION TO OBTAIN
26				OR MISUSE PERSONAL INFORMA-
27				TION -- THIRD OR SUBSEQUENT
28				OFFENSE
	15			
29	28.422	PUB SAF	G	PISTOLS -- LICENSE APPLICATION
30				FORGERY
	4			
31	28.729	PUB ORD	G	SEX OFFENDERS -- FAILURE TO
32				REGISTER
	4			
33	35.929	PUB TRST	H	WILLFUL FALSIFICATION IN
34				APPLICATION FOR VETERANS
35				BENEFITS
	3			
36	35.980	PUB TRST	H	FALSE STATEMENT IN APPLICATION
37				FOR KOREAN VETERANS BENEFITS
	3			

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1	35.1029	PUB TRST	H	FALSE STATEMENT IN APPLICATION
2				FOR VIETNAM VETERANS
3				BENEFITS
	3			
4	38.412A(1)	PUB TRST	H	COUNTY EMPLOYEE PROVIDING
5				ANSWERS TO COUNTY CIVIL
6				SERVICE EXAM
	1			
7	38.516	PUB TRST	H	FIRE AND POLICE CIVIL SERVICE
8				-- APPOINTMENT OR EMPLOYMENT
9				CONTRARY TO ACT
	2			
10	45.82	PUB TRST	E	COUNTY PURCHASING AGENT --
11				VIOLATIONS IN AWARDING BIDS
12				OR CONTRACTS
	5			
13	47.8	PUB TRST	H	PAYMENT OF CLAIM AGAINST
14				COUNTY BEFORE AUDIT
	2			
15	47.56	PUB TRST	H	WAYNE COUNTY TREASURER PAYING
16				CLAIMS WITHOUT APPROPRIATE
17				SIGNATURE
	2			
18	51.364	PUB TRST	H	APPOINTMENT OR SELECTION CON-
19				TRARY TO CIVIL SERVICE COM-
20				MISSION RULES
	2			
21	110.28	PUB TRST	G	FOURTH CLASS CITIES -- MISAP-
22				PROPRIATION OF MONEY OR
23				PROPERTY
	3			
24	117.25(3)	PUB TRST	E	AMENDMENT TO CITY ELECTORS --
25				WILLFULLY AFFIXING ANOTHER'S
26				SIGNATURE, FALSE REP
	15			
27	125.1447	PROPERTY	G	MICHIGAN STATE HOUSING DEVEL-
28				OPMENT AUTHORITY -- FALSE
29				PRETENSES OVER \$100
	10			
30	168.731(4)	PUB TRST	G	ELECTION LAW -- FILING CERTAIN
31				FALSE STATEMENTS
	2			
32	168.734	PUB TRST	G	ELECTION LAW -- ELECTION BOARD
33				REFUSING TO PROVIDE CHAL-
34				LENGER CONVENIENCES
	2			
35	168.756	PUB TRST	E	ELECTOR'S FALSE STATEMENT CON-
36				CERNING INABILITY TO MARK
37				BALLOT
	5			
38	168.757	PUB TRST	E	ELECTION INSPECTOR -- UNLAWFUL
39				CONDUCT
	5			

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1	168.759(8)	PUB TRST	E	FORGED SIGNATURE ON ABSENTEE
2				BALLOT
	5			
3	168.759B	PUB TRST	E	FALSE STATEMENT IN APPLICATION
4				FOR EMERGENCY ABSENTEE
5				BALLOT
	5			
6	168.761(5)	PUB TRST	E	ASSISTING AN ABSENTEE VOTER IN
7				MAKING A FALSE STATEMENT
	5			
8	168.769(4)	PUB TRST	E	VOTING BOTH IN PERSON AND BY
9				ABSENTEE BALLOT
	5			
10	168.792A(11)	PUB TRST	E	DISCLOSING HOW BALLOT VOTED OR
11				ELECTION RESULTS EARLY
12				BEFORE POLLS ARE CLOSED
	5			
13	168.792A(16)	PUB TRST	E	DISCLOSING ELECTION RESULT OR
14				HOW BALLOT VOTED
	5			
15	168.808	PUB TRST	E	UNTRUE STATEMENT BY MEMBER OF
16				BOARD OF INSPECTORS
	4			
17	168.873	PUB TRST	E	MISCONDUCT OF ELECTION
18				EMPLOYEE IN RECOUNT-COUNTY
19				AND LOCAL
	5			
20	168.887	PUB TRST	E	MISCONDUCT OF ELECTION
21				EMPLOYEE IN RECOUNT
	5			
22	168.932(A)	PUB TRST	E	BRIBING OR INTIMIDATING VOTERS
	5			
23	168.932(B)	PUB TRST	E	BALLOT TAMPERING
	5			
24	168.932(C)	PUB TRST	E	DESTROYING OR FALSIFYING ELEC-
25				TION RETURN OR RECORDS
	5			
26	168.932(D)	PUB TRST	E	DISCLOSING VOTES OR OBSTRUCT-
27				ING VOTER
	5			
28	168.932(E)	PUB TRST	E	ABSENTEE BALLOT TAMPERING
	5			
29	168.932(F)	PUB TRST	E	ELECTION LAW -- POSSESS ABSENT
30				VOTER BALLOT DELIVERED TO
31				ANOTHER PERSON
	5			
32	168.932(G)	PUB TRST	E	SUGGESTING HOW A DISABLED
33				VOTER SHOULD VOTE
	5			
34	168.932(H)	PUB TRST	E	SUGGESTING OR INFLUENCING HOW
35				AN ABSENTEE VOTER SHOULD

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1	168.932(I)	PUB TRST	E	ORGANIZING A MEETING WHERE
2				ABSENTEE VOTER BALLOTS ARE
3				TO BE VOTED
	5			
4	168.932A	PUB TRST	G	ELECTION OFFENSES
	4			
5	168.933	PUB TRST	E	FALSE SWEARING TO REGISTER OR
6				VOTE
	5			
7	168.936	PUB TRST	E	ELECTION LAW -- PERJURY
	5			
8	168.937	PUB TRST	E	ELECTION LAW -- FORGERY
	5			
9	169.254	PUB TRST	H	CAMPAIGN FINANCE -- CORPORATE
10				CONTRIBUTIONS
	3			
11	169.255	PUB TRST	H	CAMPAIGN FINANCE -- CORPORATE
12				SOLICITATION FOR CERTAIN
13				FUNDS
	3			
14	169.266	PUB TRST	H	CAMPAIGN FINANCE -- QUALIFIED
15				CAMPAIGN EXPENDITURES
	3			
16	SEC. 12. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES			
17	ENUMERATED IN CHAPTERS 200 TO 299 OF THE MICHIGAN COMPILED LAWS:			
18	M.C.L.	CATEGORY	CLASS	DESCRIPTION
	STAT MAX			
19	205.27(1)(A)	PUB TRST	G	FAILURE TO FILE OR FALSE TAX
20				RETURN OR PAYMENT
	5			
21	205.27(1)(B)	PUB TRST	G	AIDING & ABETTING TAX EVASION
22				OR FILING FALSE RETURNS
	5			
23	205.27(1)(C)	PUB TRST	G	MAKING/PERMITTING FALSE TAX
24				RETURNS OR PAYMENTS
	5			
25	205.27(3)	PUB TRST	G	FALSE TAX RETURNS/PERJURY
	15			
26	205.28	PUB TRST	G	COMPROMISING/UNAUTHORIZED DIS-
27				CLOSURE OF TAX INFORMATION
	5			
28	205.28(1)(E)	PUB TRST	G	STATE EMPLOYEE COMPROMISING
29				TAXES
	5			
30	205.28(1)(F)	PUB TRST	G	UNAUTHORIZED DISCLOSURE OF TAX
31				INFORMATION
	5			
32	205.428(2)	PUB TRST	G	TOBACCO PRODUCTS TAX ACT

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1	207.118A	PUB ORD	G	GASOLINE TAX -- EMBEZZLEMENT
2	10			OVER \$100
3	207.119	PUB TRST	G	GASOLINE OR MOTOR FUEL TAX
4	4			VIOLATION
5	207.127C	PUB ORD	G	DIESEL FUEL TAX -- EMBEZZLE-
6	10			MENT OVER \$100
7	207.754(3)	PUB TRST	G	STATE TREASURER -- MUNICIPAL-
8				ITY TAX -- DIVULGING CONFIDEN-
9	5			TIAL INFORMATION
10	257.233A(7)	PUB ORD	G	ODOMETER TAMPERING
	5			
11	257.254	PROPERTY	E	POSSESSING STOLEN VEHICLE
12	10			TITLE
13	257.257(1)	PROPERTY	G	ALTERING OR FORGING VEHICLE
14	5			DOCUMENTS -- FIRST OFFENSE
15	257.257(2)	PROPERTY	G	ALTERING OR FORGING VEHICLE
16	7			DOCUMENTS -- SECOND OFFENSE
17	257.257(3)	PROPERTY	E	ALTERING OR FORGING VEHICLE
18	15			DOCUMENTS -- THIRD OFFENSE
19	257.329(1)	PROPERTY	G	POSSESSION/SALE OF STOLEN OR
20				COUNTERFEIT INSURANCE
21	5			CERTIFICATES
22	257.329(2)	PROPERTY	E	POSSESSION/SALE OF STOLEN OR
23				COUNTERFEIT INSURANCE CER-
24	7			TIFICATES -- SECOND OFFENSE
25	257.329(3)	PROPERTY	E	POSSESSION/SALE OF STOLEN OR
26				COUNTERFEIT INSURANCE CER-
27	15			TIFICATES -- THIRD OFFENSE
28	257.602A(2)	PUB SAF	G	FLEEING AND ELUDING -- FOURTH
29	2			DEGREE
30	257.602A(3)	PUB SAF	E	FLEEING AND ELUDING -- THIRD
31	5			DEGREE
32	257.602A(4)	PERSON	D	FLEEING AND ELUDING -- SECOND
33	10			DEGREE
34	257.602A(5)	PERSON	C	FLEEING AND ELUDING -- FIRST
35	15			DEGREE

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36 257.617 PERSON E FAILURE TO STOP AT SCENE OF A
37 SERIOUS PERSONAL INJURY
38 ACCIDENT
5

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1	257.625(4) 15	PERSON	C	OUIL -- CAUSING DEATH
2 3	257.625(5) 5	PERSON	E	OUIL -- CAUSING SERIOUS IMPAIRMENT OF BODY FUNCTION
4	257.625(7)(D) 5	PUB SAF	E	OUIL -- THIRD OFFENSE
5 6	257.625N(10) 4	PUB ORD	G	DISPOSING OF VEHICLE TO AVOID FORFEITURE
7 8	257.744A 15	PUB SAF	D	FALSE STATEMENT IN CITATION -- PERJURY
9	257.902 5	PUB SAF	E	MOTOR VEHICLE CODE VIOLATIONS
10 11 12	257.903(1) 5	PROPERTY	E	MOTOR VEHICLE CODE -- FALSE CERTIFICATION -- FIRST OFFENSE
13 14 15	257.903(2) 7	PROPERTY	E	MOTOR VEHICLE CODE -- FALSE CERTIFICATION -- SECOND OFFENSE
16 17 18	257.903(3) 15	PROPERTY	D	MOTOR VEHICLE CODE -- FALSE CERTIFICATION -- THIRD OFFENSE
19 20 21	257.1353(2) 2	PUB TRST	H	MOTOR VEHICLE -- FAIL TO RECORD MATERIAL MATTER -- SECOND OFFENSE
22 23	257.1354(2) 2	PUB TRST	H	MOTOR VEHICLE -- GENERAL VIO- LATIONS -- SECOND OFFENSE
24 25 26	257.1355 2	PUB TRST	H	MOTOR VEHICLE -- FAIL TO RECORD TRANSACTION/FALSIFY RECORDS
27 28	259.183 5	PROPERTY	E	AIRCRAFT -- UNLAWFUL TAKING OR TAMPERING
29 30	259.185(8) 5	PUB SAF	G	AIRCRAFT -- OUIL -- THIRD OFFENSE
31	285.82 5	PUB TRST	H	GRAIN DEALERS ACT VIOLATIONS
32 33	285.279 10	PUB TRST	E	FALSELY OBTAINING MONEY -- AGRICULTURAL LAND
34 35	286.455(2)	PUB SAF	G	AGRICULTURE -- HAZARDOUS SUBSTANCE

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1	287.323(1)	PERSON	C	DANGEROUS ANIMAL CAUSING DEATH	
	15				
2	287.323(2)	PERSON	G	DANGEROUS ANIMAL CAUSING SERIOUS INJURY	
3					
	4				
4	287.679	PUB ORD	H	DEAD ANIMALS	
	1				
5	287.744(1)	PUB ORD	G	ANIMAL INDUSTRY ACT VIOLATIONS	
	5				
6	287.855	PUB SAF	G	AGRICULTURE -- CONTAMINATING LIVESTOCK/FALSE STATEMENT/VIOLATION OF QUARANTINE	
7					
8					
9					
	5				
10	288.223	PUB SAF	G	SALE OR LABELING OF OLEOMARGARINE VIOLATIONS	
11					
	3				
12	288.257	PUB SAF	G	MARGARINE VIOLATIONS	
	3				
13	288.284	PUB TRST	H	SELLING FALSELY BRANDED CHEESE	
	2				
14	290.629(1)	PERSON	G	WEIGHTS & MEASURES -- ASSAULTS ENFORCEMENT OFFICER	
15					
	2				
16	290.631(3)	PUB TRST	G	WEIGHTS & MEASURES	
	5				
17	290.650	PERSON	G	MOTOR FUELS -- ASSAULTING/OBSTRUCTING DIRECTOR OR AUTHORIZED REPRESENTATIVE	
18					
19					
20					
	2				
21	290.650B(3)	PUB TRST	H	MOTOR FUELS VIOLATIONS	
	2				
22	SEC. 13. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES				
23	ENUMERATED IN CHAPTERS 300 TO 399 OF THE MICHIGAN COMPILED LAWS:				
24	M.C.L.	CATEGORY CLASS DESCRIPTION			
	STAT MAX				
25	324.1608	PERSON	G	RESISTING AND OBSTRUCTING CONSERVATION OFFICER	
26					
	2				
27	324.2157(3)	PROPERTY	H	STATE OWNED PROPERTY -- DAMAGES OF \$1,000 OR MORE	180
28	DAYS				
29	324.3115(2)	PUB SAF	H	WASTE DISCHARGE VIOLATIONS -- SECOND OFFENSE	
30					
	2				
31	324.5531(4)	PUB SAF	H	KNOWINGLY RELEASING POLLUTANTS	
	2				

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1	324.5531(6)	PUB SAF	C	KNOWINGLY RELEASING POLLUTANTS
2				-- RESULTING IN DEATH OR
3				SERIOUS BODILY INJURY
	15			
4	324.8905(2)	PUB SAF	H	INFECTIOUS WASTE/PATHOLOGICAL
5				WASTE/SHARPS -- LITTERING
6				VIOLATION
	2			
7	324.8905(3)	PUB SAF	G	INFECTIOUS WASTE/PATHOLOGICAL
8				WASTE/SHARPS -- LITTERING
9				VIOLATION -- SECOND OFFENSE
	5			
10	324.11151(2)	PUB SAF	H	HAZARDOUS WASTE VIOLATIONS --
11				SECOND OR SUBSEQUENT OFFENSE
	2			
12	324.11151(3)	PUB SAF	H	HAZARDOUS WASTE VIOLATION --
13				DISREGARD FOR HUMAN LIFE
	2			
14	324.11151(3)	PUB SAF	G	HAZARDOUS WASTE VIOLATION --
15				EXTREME INDIFFERENCE FOR
16				HUMAN LIFE
	5			
17	324.12116(2)	PUB SAF	H	WASTE -- FALSE STATEMENT OR
18				ENTRY IN A LICENSE
19				APPLICATION
	2			
20	324.20139(3)	PUB SAF	H	HAZARDOUS WASTE -- KNOWINGLY
21				RELEASES OR CAUSES THE
22				RELEASE
	2			
23	324.21324(1)	PUB SAF	G	UNDERGROUND STORAGE TANKS --
24				FALSE OR MISLEADING
25				INFORMATION
	5			
26	324.21548(1)	PUB TRST	H	FALSE STATEMENT, REPORT,
27				CLAIM, BID, WORK INVOICE, OR
28				OTHER REQUEST FOR PAYMENT
	5			
29	324.30316(3)	PUB SAF	H	NREPA VIOLATION -- SUBSEQUENT
30				OFFENSE
	2			
31	324.31525	PERSON	G	NREPA -- IMMINENT DANGER OF
32				DEATH OR SERIOUS INJURY --
33				SUBSEQUENT OFFENSE
	2			
34	324.33939(1)	PUB TRST	H	NREPA VIOLATION FOR COMMERCIAL
35				PURPOSES
	2			
36	324.40118(11)	PUB ORD	G	WILDLIFE CONSERVATION --
37				BUYING SELLING PROTECTED
38				ANIMALS -- SUBSEQUENT
39				OFFENSE
	4			

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1 2 3	324.51120(2) 3	PROPERTY	H	REMOVING FOREST PRODUCTS OVER \$2,500
3 10	324.51512 10	PUB SAF	D	WILLFULLY SETTING FOREST FIRES
4 5	324.61511 5	PUB TRST	G	FALSE AFFIDAVIT UNDER NREPA
5 3	324.61521(1) 3	PUB TRST	G	EVADING RULE UNDER NREPA
6 7 8 2	324.76107(4) 2	PUB TRST	G	RECOVERING ABANDONED PROPERTY IN GREAT LAKES WITHOUT PERMIT
9 10 4	324.80130D(1) 4	PUB ORD	H	FALSE REPRESENTATION TO OBTAIN PERSONAL INFORMATION
11 12 13 7	324.80130D(2) 7	PUB ORD	G	FALSE REPRESENTATION TO OBTAIN PERSONAL INFORMATION -- SECOND OFFENSE
14 15 16 15	324.80130D(3) 15	PUB ORD	C	FALSE REPRESENTATION TO OBTAIN PERSONAL INFORMATION -- THIRD OR SUBSEQUENT OFFENSE
17 18 2	324.80172 2	PERSON	G	NEGLIGENT CRIPPLING OR HOMICIDE BY VESSEL
19 20 2	324.80173 2	PERSON	G	FELONIOUS OPERATION OF A VESSEL
21 22 15	324.80176(4) 15	PERSON	C	OPERATING A VESSEL UNDER THE INFLUENCE CAUSING DEATH
23 24 25 5	324.80176(5) 5	PERSON	E	OPERATING A VESSEL UNDER THE INFLUENCE CAUSING LONG-TERM INCAPACITATING INJURY
26 27 5	324.80177(1)(C) 5	PUB SAF	E	OPERATING A VESSEL UNDER THE INFLUENCE -- THIRD OFFENSE
28 29 4	324.80319A(1) 4	PUB ORD	H	FALSE REPRESENTATION TO OBTAIN PERSONAL INFORMATION
30 31 32 7	324.80319A(2) 7	PUB ORD	G	FALSE REPRESENTATION TO OBTAIN PERSONAL INFORMATION -- SECOND OFFENSE
33 34 35 15	324.80319A(3) 15	PUB ORD	C	FALSE REPRESENTATION TO OBTAIN PERSONAL INFORMATION -- THIRD OR SUBSEQUENT OFFENSE

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1	324.81120(2)	PUB ORD	G	FALSE REPRESENTATION TO OBTAIN
2				PERSONAL INFORMATION --
3				SECOND OFFENSE
	7			
4	324.81120(3)	PUB ORD	C	FALSE REPRESENTATION TO OBTAIN
5				PERSONAL INFORMATION --
6				THIRD OR SUBSEQUENT OFFENSE
	15			
7	324.81134(6)	PUB SAF	E	OPERATING AN ORV UNDER THE
8				INFLUENCE -- THIRD OFFENSE
	4			
9	324.82127(4)	PERSON	C	OPERATING A SNOWMOBILE UNDER
10				THE INFLUENCE CAUSING DEATH
	15			
11	324.82127(5)	PERSON	E	OPERATING A SNOWMOBILE UNDER
12				THE INFLUENCE CAUSING
13				LONG-TERM INCAPACITATING
14				INJURY
	5			
15	324.82128(1)(C)	PUB SAF	E	OPERATING A SNOWMOBILE UNDER
16				THE INFLUENCE -- THIRD
17				OFFENSE
	5			
18	324.82160(1)	PUB ORD	H	FALSE REPRESENTATION TO OBTAIN
19				PERSONAL INFORMATION
	4			
20	324.82160(2)	PUB ORD	G	FALSE REPRESENTATION TO OBTAIN
21				PERSONAL INFORMATION --
22				SECOND OFFENSE
	7			
23	324.82160(3)	PUB ORD	C	FALSE REPRESENTATION TO OBTAIN
24				PERSONAL INFORMATION --
25				THIRD OR SUBSEQUENT OFFENSE
	15			
26	328.232	PROPERTY	E	CONVERSION OF FUNERAL
27				CONTRACTS
	5			
28	333.2685	PERSON	E	USE OF A LIVE HUMAN EMBRYO,
29				FETUS FOR NONTHERAPEUTIC
30				RESEARCH
	5			
31	333.2688	PERSON	E	RESEARCH ON DEAD EMBRYO OR
32				FETUS WITHOUT MOTHER'S
33				CONSENT
	5			
34	333.2689	PERSON	E	ABORTION TO OBTAIN EMBRYO
	5			
35	333.2690	PERSON	E	SALE OR DELIVERY OF FETUS OR
36				EMBRYO
	5			
37	333.2835(9)	PUB TRST	G	DISCLOSING CONFIDENTIAL INFOR-
38				MATION -- ABORTION

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1	333.5210	PERSON	F	AIDS -- SEXUAL PENETRATION
2	4			WITH UNINFORMED PARTNER
3	333.5661	PERSON	F	FRAUD RESULTING IN PATIENT
4	4			DEATH
5	333.7341(8)	CS	G	DELIVERY OR MANUFACTURE OR
6				IMITATION CONTROLLED
7	2			SUBSTANCE
8	333.7401(2)(A)(i)	CS	A	DELIVERY OR MANUFACTURE OF
9	LIFE			>649 GRAMS BY JUVENILE
10	333.7401(2)(A)(iii)	CS	B	DELIVERY OR MANUFACTURE OF
11	20			50-224 GRAMS
12	333.7401(2)(A)(iv)	CS	D	DELIVERY OR MANUFACTURE OF <50
13	20			GRAMS
14	333.7401(2)(B)	CS	E	DELIVERY OR MANUFACTURE SCHED-
15	7			ULE 1/2/3 EXCEPT MARIJUANA
16	333.7401(2)(C)	CS	F	DELIVERY OR MANUFACTURE SCHED-
17	4			ULE 4
18	333.7401(2)(D)(i)	CS	C	DELIVERY OR MANUFACTURE >45
19	15			KILOS OF MARIJUANA
20	333.7401(2)(D)(ii)	CS	D	DELIVERY OR MANUFACTURE 5-45
21	7			KILOS OF MARIJUANA
22	333.7401(2)(D)(iii)	CS	F	DELIVERY OR MANUFACTURE <5
23				KILOS OR 20 PLANTS OF
24	4			MARIJUANA
25	333.7401(2)(E)	CS	G	DELIVERY OR MANUFACTURE SCHED-
26	2			ULE 5
27	333.7401(2)(F)	CS	D	DELIVERY OR MANUFACTURE OFFI-
28				CIAL OR COUNTERFEIT PRE-
29	20			SCRIPTION FORM
30	333.7401(2)(G)	CS	D	DELIVERY OR MANUFACTURE PRE-
31				SCRIPTION OR COUNTERFEIT
32	7			FORM (OTHER THAN OFFICIAL)
33	333.7402(2)(A)	CS	D	DELIVERY OR MANUFACTURE IMITA-
34	10			TION CONTROLLED SUBSTANCE
35	333.7402(2)(B)	CS	E	DELIVERY OR MANUFACTURE IMITA-
36				TION CONTROLLED SUBSTANCE

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SCHEDULE 1/2/3

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1	333.7402(2)(C)	CS	F	DELIVERY OR MANUFACTURE
2				IMITATION CONTROLLED
3				SUBSTANCE SCHEDULE 4
	4			
4	333.7402(2)(D)	CS	G	DELIVERY OR MANUFACTURE IMITA-
5				TION CONTROLLED SUBSTANCE
6				SCHEDULE 5
	2			
7	333.7402(2)(E)	CS	C	DELIVERY OR MANUFACTURE
8				ANALOGUE
	15			
9	333.7403(2)(A)(i)	CS	A	POSSESSION >649 GRAMS BY
10	LIFE			JUVENILE
11	333.7403(2)(A)(iii)	CS	B	POSSESSION 50-224 GRAMS
	20			
12	333.7403(2)(A)(iv)	CS	G	POSSESSION 25-49 GRAMS
	4			
13	333.7403(2)(A)(v)	CS	G	POSSESSION OF <25 GRAMS
	4			
14	333.7403(2)(B)	CS	G	POSSESSION CERTAIN SCHEDULE
15				1/2/3/4 OR ANALOGUE
	2			
16	333.7403(2)(E)	CS	H	POSSESSION OF OFFICIAL PRE-
17				SCRIPTION FORM
	1			
18	333.7405(A)	CS	G	CONTROLLED SUBSTANCE VIOLA-
19				TIONS BY LICENSEE
	2			
20	333.7405(B)	CS	G	MANUFACTURING OR DISTRIBUTION
21				VIOLATIONS BY LICENSEE
	2			
22	333.7405(C)	CS	G	REFUSING LAWFUL INSPECTION
	2			
23	333.7405(D)	CS	G	MAINTAINING DRUG HOUSE
	2			
24	333.7407(1)(A)	CS	G	CONTROLLED SUBSTANCE VIOLA-
25				TIONS BY LICENSEE
	4			
26	333.7407(1)(B)	CS	G	USE OF FICTITIOUS, REVOKED, OR
27				SUSPENDED LICENSE NUMBER
	4			
28	333.7407(1)(C)	CS	G	OBTAINING CONTROLLED SUBSTANCE
29				BY FRAUD
	4			
30	333.7407(1)(D)	CS	G	FALSE REPORTS UNDER CONTROLLED
31				SUBSTANCE ARTICLE
	4			
32	333.7407(1)(E)	CS	G	POSSESSION OF COUNTERFEITING

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1 2	333.7407(1)(F) 4	CS	F	DISCLOSING OR OBTAINING PRESCRIPTION INFORMATION
3 4	333.7407(1)(G) 4	CS	F	POSSESSION OF COUNTERFEIT PRE- SCRIPTION FORM
5 6 7	333.7407(2) 4	CS	G	REFUSING TO FURNISH RECORDS UNDER CONTROLLED SUBSTANCE ARTICLE
8 9	333.10204(1) 4	PUB ORD	F	TRANSFERRING A HUMAN ORGAN FOR VALUABLE CONSIDERATION
10 11	333.13738(2) 5	PUB SAF	F	WASTE DISPOSAL VIOLATIONS -- SECOND OFFENSE
12 13	333.13738(3) 2	PUB SAF	F	DISPOSING OF WASTE -- INDIF- ERENCE TO HUMAN LIFE
14 15	333.13738(3) 20	PUB SAF	B	DISPOSING OF WASTE -- EXTREME INDIFFERENCE TO HUMAN LIFE
16 17 18	333.16170(3) 4	PUB TRST	F	FALSE REPRESENTATION -- HEALTH PROFESSIONAL RECOVERY PROGRAM
19 20	333.16294 4	PUB SAF	F	HEALTH PROFESSION -- UNAUTHO- RIZED PRACTICE
21 22	333.17766A(2)(A) 4	CS	F	POSSESSION OF STEROIDS -- SECOND OFFENSE
23 24	333.17766A(3) 7	CS	E	DELIVERY OR MANUFACTURE OF STEROIDS
25	333.17766A(4) 7	CS	G	DELIVERY OF IMITATION STEROIDS
26	333.17766C(2) 2	CS	G	POSSESSION >10 GRAMS EPHEDRINE
27 28	333.20142(5)	PUB TRST	F	FALSE STATEMENT -- APPLICATION LICENSURE HEALTH FACILITY

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1 333.21792 PUB TRST G NURSING HOMES -- REFERRAL
 2 FEES/BRIBING OFFICIALS/
 3 ACCEPTING BRIBES
 4

4 388.936 PUB TRST F KNOWINGLY MAKING FALSE STATE-
 5 MENT -- SCHOOL DISTRICT
 6 LOANS
 4

7 388.962 PUB TRST F KNOWINGLY MAKING FALSE STATE-
 8 MENT -- SCHOOL DISTRICT
 9 LOANS
 4

10 SEC. 14. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
 11 ENUMERATED IN CHAPTERS 400 TO 499 OF THE MICHIGAN COMPILED LAWS:

12 **M.C.L. CATEGORY CLASS DESCRIPTION**
 13 **STAT MAX**

13 400.60(2) PROPERTY H WELFARE -- OBTAINING OVER \$500
 14 BY FAILURE TO INFORM
 4

15 400.603 PUB TRST G MEDICAID FRAUD -- FALSE STATE-
 16 MENT IN BENEFIT/CONCEALING
 17 INFORMATION
 4

18 400.604 PUB TRST G MEDICAID FRAUD --
 19 KICKBACK/REFERRAL FEES
 4

20 400.605 PUB TRST G MEDICAID FRAUD -- FALSE STATE-
 21 MENT REGARDING INSTITUTIONS
 4

22 400.606 PROPERTY E MEDICAID FRAUD -- CONSPIRACY
 10

23 400.607 PUB TRST G MEDICAID FRAUD -- FALSE
 24 CLAIM/MEDICALLY UNNECESSARY
 4

25 400.609 PROPERTY D MEDICAID FRAUD -- FOURTH
 26 OFFENSE
 10

27 400.713(13) PUB SAF H ADULT FOSTER CARE -- UNLI-
 28 CENSED FACILITY -- FIRST
 29 OFFENSE
 2

30 400.713(13) PUB SAF F ADULT FOSTER CARE -- UNLI-
 31 CENSED FACILITY -- SECOND OR
 32 SUBSEQUENT VIOLATION
 5

33 400.722(4) PUB SAF F ADULT FOSTER CARE --
 34 MAINTAINING OPERATION AFTER
 35 REFUSAL OF LICENSURE

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1 2 3	408.1035(5)	PUB SAF	G	MIOSHA VIOLATION -- SECOND OFFENSE
3 4 1	408.1035(5)	PUB SAF	I	MIOSHA VIOLATION -- FIRST OFFENSE
5 6 7 1	408.1035A(5)	PUB SAF	I	MIOSHA VIOLATIONS/WRITS OF MANDAMUS/ASSAULTS -- FIRST OFFENSE
8 9 10 3	408.1035A(5)	PUB SAF	G	MIOSHA VIOLATIONS/WRITS OF MANDAMUS/ASSAULTS -- SECOND OFFENSE
11 12 13 10	409.122(2)	PERSON	E	EMPLOYMENT OF CHILDREN DURING CERTAIN HOURS -- THIRD OFFENSE
14 15 16 2	409.122(2)	PUB ORD	G	EMPLOYMENT OF CHILDREN DURING CERTAIN HOURS -- SECOND OFFENSE
17 18 19 20	409.122(3)	PERSON	D	EMPLOYMENT OF CHILDREN IN CHILD SEXUALLY ABUSIVE ACTIVITY
20 21 22 2	421.54(A)(ii)(B)	PROPERTY	H	UNEMPLOYMENT COMP FRAUD -- FAILURE TO COMPLY WITH ACT/RULE \$25,000-100,000
23 24 25 5	421.54(A)(ii)(C)	PROPERTY	G	UNEMPLOYMENT COMP FRAUD -- FAILURE TO COMPLY WITH ACT/RULE OVER \$100,000
26 27 28 2	421.54(A)(iv)(B)	PROPERTY	H	UNEMPLOYMENT COMP FRAUD -- WILLFUL VIOLATION OF ACT/RULE OVER \$100,000
29 30 31 2	421.54(B)(ii)(B)	PROPERTY	H	UNEMPLOYMENT COMP FRAUD -- FALSE STATEMENT OR MISREPRE- SENT OVER \$25,000
32 33 34 35 2	421.54(B)(ii)(C)	PROPERTY	H	UNEMPLOYMENT COMP FRAUD -- FALSE STATEMENT OR MISREPRE- SENTATION WITHOUT ACTUAL LOSS
36 37 38 1	421.54(D)	PROPERTY	H	UNEMPLOYMENT COMP FRAUD -- DISCLOSE CONFIDENTIAL INFO FOR FINANCIAL GAIN
39 40	421.54A	PROPERTY	G	UNEMPLOYMENT COMP FRAUD -- FALSE STATEMENT AS CONDITION

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10

OF EMPLOYMENT

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1	421.54B(B)(i)	PROPERTY	H	UNEMPLOYMENT COMP FRAUD --
2				CONSPIRACY WITH LOSS OF
3				\$25,000 OR LESS
	2			
4	421.54B(B)(ii)	PROPERTY	G	UNEMPLOYMENT COMP FRAUD --
5				CONSPIRACY WITH LOSS OVER
6				\$25,000
	5			
7	421.54B(B)(iii)	PROPERTY	H	UNEMPLOYMENT COMP FRAUD --
8				CONSPIRACY WITH NO ACTUAL
9				LOSS
	2			
10	421.54C(B)(ii)	PROPERTY	H	UNEMPLOYMENT COMP FRAUD --
11				EMBEZZLEMENT OF \$25,000 TO
12				UNDER \$100,000
	2			
13	421.54C(B)(iii)	PROPERTY	G	UNEMPLOYMENT COMP FRAUD --
14				EMBEZZLEMENT OF \$100,000 OR
15				MORE
	5			
16	421.54C(B)(iv)	PROPERTY	H	UNEMPLOYMENT COMP FRAUD --
17				EMBEZZLEMENT WITH NO ACTUAL
18				LOSS
	2			
19	426.106	PROPERTY	E	MARKING OF LOGS AND TIMBER --
20				FORGING
	5			
21	431.257	PUB TRST	G	RACING, BOXING & EXHIBITION
22				RACING
	2			
23	431.307(8)	PUB TRST	G	HORSE RACING -- TESTIFYING
24				FALSELY TO COMMISSIONER
25				WHILE UNDER OATH
	4			
26	431.330(4)	PUB TRST	G	HORSE RACING -- ADMINISTERING
27				A DRUG THAT COULD AFFECT
28				RACING CONDITION
	5			
29	431.332	PUB TRST	G	HORSE RACING -- INFLUENCING OR
30				ATTEMPTING TO INFLUENCE
31				RESULT OF RACE
	5			
32	432.30	PROPERTY	G	LOTTERY -- FORGERY OF TICKETS
	5			
33	432.218	PUB ORD	D	CASINO GAMING OFFENSES
	10			
34	436.1701(2)	PERSON	D	SELLING ALCOHOL TO A MINOR AND
35				CAUSING DEATH
	10			
36	436.1909(3)	PUB ORD	H	LIQUOR VIOLATION
	1			

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37 436.1919
38

PUB ORD

H

FRAUDULENT DOCUMENTS, LABELS,
OR STAMPS

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1	438.41	PROPERTY	E	CRIMINAL USURY
5				
2	440.9307(4)	PROPERTY	G	FARMING -- ILLEGAL SALE OF
3				SECURED PRODUCTS
3				
4	442.219	PUB TRST	E	SALES -- FALSE STATEMENT
5				
5	443.50	PUB TRST	E	ISSUING WAREHOUSE RECEIPT FOR
6				GOODS NOT RECEIVED
5				
7	443.52	PUB TRST	E	ISSUING DUPLICATE WAREHOUSE
8				RECEIPT NOT SO MARKED
5				
9	444.13	PUB TRST	H	WAREHOUSEMEN AND WAREHOUSE
10				RECEIPTS
2				
11	444.107	PUB TRST	E	WAREHOUSE CERTIFICATES --
12				WILLFULLY ALTER OR DESTROY
5				
13	445.487(2)	PUB ORD	H	PRECIOUS METAL AND GEM DEALER
14				FAILURE TO RECORD MATERIAL
15				MATTER -- SECOND OFFENSE
2				
16	445.488(2)	PUB ORD	H	PRECIOUS METAL AND GEM DEALER
17				VIOLATIONS -- SECOND OFFENSE
2				
18	445.489	PUB ORD	H	PRECIOUS METAL AND GEM DEALER
19				VIOLATIONS
2				
20	445.490	PUB ORD	H	PRECIOUS METAL AND GEM DEALER
21				FAILURE TO OBTAIN A CERTIFI-
22				CATE OF REGISTRATION
2				
23	445.779	PUB ORD	H	ANTITRUST VIOLATION
2				
24	445.1505	PUB TRST	G	FRANCHISE INVESTMENT LAW --
25				FRAUDULENT FILING/OFFERS
7				
26	445.1508	PUB TRST	G	FRANCHISE INVESTMENT LAW --
27				SALE WITHOUT PROPER
28				DISCLOSURE
7				
29	445.1513	PUB TRST	G	FRANCHISE INVESTMENT LAW --
30				ILLEGAL OFFERS/SALES
7				
31	445.1520	PUB TRST	G	FRANCHISE INVESTMENT LAW --
32				KEEPING RECORDS
7				
33	445.1521	PUB TRST	G	FRANCHISE INVESTMENT LAW --
34				FALSE REPRESENTATION
7				

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35 445.1523
36
37

PUB TRST G

FRANCHISE INVESTMENT LAW --
FALSE STATEMENTS OF MATERIAL
FACT

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1	445.1525	PUB TRST	G	FRANCHISE INVESTMENT LAW --
2	7			FALSE ADVERTISING
3	445.1528	PUB TRST	D	PYRAMID/CHAIN PROMOTIONS --
4	7			OFFER OR SELL
5	445.1671	PUB TRST	E	MORTGAGE BROKERS, LENDERS --
6				KNOWINGLY GIVING A FALSE
7	15			STATEMENT
8	445.1679	PUB TRST	H	MORTGAGE BROKERS ACT -- GEN-
9	3			ERAL VIOLATIONS
10	450.775	PUB ORD	H	CORPORATIONS -- MINORITY AND
11	2			WOMAN OWNED BUSINESSES
12	450.795	PUB ORD	H	CORPORATIONS -- HANDICAPPER
13	2			BUSINESS OPPORTUNITY ACT
14	451.319	PUB TRST	G	SECURITIES, REAL ESTATE, AND
15	2			DEBT MANAGEMENT -- VIOLATION
16	451.434	PUB TRST	H	DEBT MANAGEMENT ACT --
17	2			LICENSEE VIOLATIONS
18	451.501	PUB TRST	E	BLUE SKY LAWS -- FRAUDULENT
19	10			SCHEMES/STATEMENTS
20	451.502	PUB TRST	E	BLUE SKY LAWS -- INVESTMENT
21	10			ADVISOR/AGENT FRAUD
22	451.503	PUB TRST	E	BLUE SKY LAWS -- MAKE/SELL
23	10			FALSE BULLION/CERTIFICATES
24	451.601	PUB TRST	E	BLUE SKY LAWS -- UNREGISTERED
25	10			BROKER/DEALER/AGENT/ADVISOR
26	451.603(H)	PUB TRST	E	BLUE SKY LAWS -- FAIL TO
27				NOTIFY ADMINISTRATOR OF
28	10			SANCTIONS
29	451.604(A)(1)(J) TO			
30	(S) AND (V) TO (Z)	PUB TRST	E	BLUE SKY LAWS -- VARIOUS
31	10			VIOLATIONS
32	451.701	PUB TRST	E	BLUE SKY LAWS -- OFFER/SELL
33	10			UNREGISTERED SECURITIES
34	451.802	PUB TRST	E	BLUE SKY LAWS -- UNLAWFULLY
35	10			SELLING SECURITIES

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1	451.805(B)	PUB TRST	E	BLUE SKY LAWS -- FALSE
2				REPRESENTATION OF ADMINIS-
3				TRATIVE APPROVAL
	10			
4	451.806(B)	PUB TRST	E	BLUE SKY LAWS -- IMPROPER DIS-
5				CLOSE BY COR. & SEC. BUR.
6				EMPLOYEE
	10			
7	462.257(1)	PERSON	A	TRAINS -- ENDANGERING TRAVEL
	LIFE			
8	462.353(5)	PUB SAF	F	OPERATING A LOCOMOTIVE --
9				UNDER THE INFLUENCE
	4			
10	472.36	PUB SAF	A	STREET RAILWAYS -- OBSTRUCTION
11				OF TRACK
	LIFE			
12	482.44	PROPERTY	H	BILLS OF LADING -- ISSUANCE
13				FOR GOODS NOT RECEIVED
	5			
14	482.46	PROPERTY	H	BILLS OF LADING -- ISSUANCE OF
15				DUPLICATE NOT SO MARKED
	5			
16	482.48	PROPERTY	H	BILLS OF LADING -- NEGOTIATION
17				WHEN GOODS NOT IN CARRIERS'
18				POSSESSION
	5			
19	482.49	PROPERTY	H	BILLS OF LADING -- INDUCING
20				CARRIER TO ISSUE WHEN GOODS
21				HAVE NOT BEEN RECEIVED
	5			
22	482.50	PROPERTY	H	BILLS OF LADING -- ISSUANCE OF
23				NON-NEGOTIABLE BILL NOT SO
24				MARKED
	5			
25	483.226	PUB TRST	E	OFFICER OF A PIPELINE COMPANY
26				-- INTENT TO DEFRAUD --
27				STOCK
	10			
28	487.1505(6)	PUB TRST	E	BIDCO ACT -- KNOWINGLY RECEIV-
29				ING MONEY OR PROPERTY AT AN
30				INTEREST RATE >25%
	5			
31	492.137(A)	PUB TRST	H	INSTALLMENT SALES OF MOTOR
32				VEHICLES
	3			
33	493.56A(13)	PUB TRST	C	FALSE STATEMENT IN REPORTS --
34				SECONDARY MORTGAGE
	15			
35	493.77(2)	PUB TRST	H	REGULATORY LOANS
	3			
36	SEC. 15.	THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES		

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37 ENUMERATED IN CHAPTERS 500 TO 749 OF THE MICHIGAN COMPILED LAWS:

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1	M.C.L.	STAT	MAX	CATEGORY	CLASS	DESCRIPTION
2	500.1325(3)			PUB TRST	E	INSURANCE CODE -- KNOWINGLY
3						MISREPRESENTING FALSE FINAN-
4						CIAL CONDITION
			5			
5	500.1371			PUB TRST	H	HOLDING COMPANIES -- VIOLATION
			2			
6	500.1505(2)			PUB TRST	C	INSURANCE CODE -- LICENSE AND
7						REGULATORY VIOLATIONS
			15			
8	500.4511(1)			PUB TRST	F	INSURANCE CODE -- FRAUDULENT
9						INSURANCE ACT
			4			
10	500.4511(2)			PUB TRST	D	INSURANCE FRAUD -- AGREEMENT
11						OR CONSPIRACY TO COMMIT
			10			
12	500.5252(4)			PROPERTY	G	INSURANCE -- IMPROPER PERSONAL
13						INTEREST IN TRANSACTIONS
			5			
14	500.7034(2)			PUB TRST	E	OFFICER OF A MEWA KNOWINGLY
15						RECEIVE VALUABLES FOR SALE
16						PROPERTY OR LOAN
			10			
17	500.8197(2)			PUB TRST	C	INSURANCE -- KNOWING OR WILL-
18						FUL FALSE STATEMENTS IN
19						APPLICATION FOR INSURANCE
			15			
20	500.8197(3)			PROPERTY	E	CONSOLIDATION MERGER -- COM-
21						PENSATION OTHERWISE THAN
22						EXPRESSED IN CONTRACT
			5			
23	551.6			PERSON	H	MARRIAGE LICENSE -- MENTAL OR
24						VENEREAL DISEASE
			5			
25	554.836			PROPERTY	E	REAL AND PROPERTY -- LIVING
26						CARE DISCLOSURE ACT
			7			
27	565.371			PROPERTY	G	FRAUDULENT CONVEYANCES --
28						RECORDING WITH INTENT TO
29						DECEIVE
			3			
30	565.827			PUB TRST	E	LAND SALES ACT -- FALSE OR
31						FRAUDULENT STATEMENT
			10			
32	570.152			PROPERTY	G	CONTRACTOR -- FRAUDULENT USE
33						OF BUILDING CONTRACT FUND
			3			
34	570.1110			PROPERTY	F	CONTRACTOR -- FALSE SWORN
35						STATEMENTS OVER \$100
			4			

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36	570.1207	PROPERTY	G	CONSTRUCTION LIENS -- FALSE
37				INFORMATION
	4			

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1	600.908(8)	PUB TRST	E	IMMUNITY TO WITNESS --
2	15			COMMITTING PERJURY
3	600.2136	PUB TRST	E	LIBRARY RECORD, BOOK, PAPER --
4	15			FALSE CERTIFICATION IN COURT
5	600.2907A	PROPERTY	G	RECORDING DOCUMENTS AFFECTING
6				PROPERTY WITHOUT LAWFUL
7	3			CAUSE
8	600.2916	PUB SAF	G	REVISED JUDICATURE ACT --
9	4			LETHAL GASES FOR FUMIGATION
10	600.8713	PUB TRST	G	REVISED JUDICATURE ACT --
11				FALSE STATEMENT BY AUTHO-
12	15			RIZED LOCAL OFFICIALS
13	600.8813	PUB TRST	E	LAW ENFORCEMENT OFFICER --
14				KNOWINGLY MAKING FALSE
15	15			STATEMENT IN A CITATION
16	710.54(11)	PUB TRST	F	OFFER TO GIVE OTHER CONSIDERA-
17				TION -- ADOPTION -- SUBSE-
18	4			QUENT VIOLATION
19	710.55(1)	PUB TRST	F	ADOPTION -- PERSONS NOT AUTHO-
20				RIZED PLACING CHILD -- SUB-
21	4			SEQUENT VIOLATION
22	710.69	PERSON	F	MICHIGAN ADOPTION LAW --
23	4			SECOND OFFENSE
24	711.1(8)	PUB TRST	E	INTENTIONAL FALSE STATEMENT IN
25	15			PETITION FOR NAME CHANGE
26	722.633(5)(B)	PERSON	F	INTENTIONAL FALSE REPORT OF
27				CHILD ABUSE CONSTITUTING A
28	4			FELONY
29	722.675	PUB ORD	E	DISTRIBUTING OBSCENE MATTER TO
30	2			CHILDREN
31	722.857	PERSON	E	SURROGATE PARENTING ACT --
32				CONTRACTS INVOLVING MINORS,
33	5			MENTALLY RETARDED, ETC.
34	722.859(3)	PERSON	E	SURROGATE PARENTING ACT --
35	5			CONTRACTS FOR COMPENSATION

36 SEC. 16. THIS CHAPTER APPLIES TO FELONIES ENUMERATED IN
37 CHAPTER 750 OF THE MICHIGAN COMPILED LAWS AS SET FORTH IN

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38 SECTIONS 16A TO 16Z OF THIS CHAPTER.

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1 SEC. 16A. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
2 ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:

3	M.C.L.		CATEGORY	CLASS	DESCRIPTION
	STAT	MAX			
4	750.11		PERSON	A	TAKING A WOMAN AND COMPELLING
5	LIFE				HER TO MARRY
6	750.12		PERSON	H	TAKING A WOMAN WITH INTENT TO
7	10				COMPEL HER TO MARRY
8	750.13		PERSON	D	ENTICING FEMALE UNDER 16 FOR
9	10				IMMORAL PURPOSES
10	750.14		PERSON	C	ABORTION RESULTING IN DEATH OF
11	15				FEMALE
12	750.14		PERSON	G	ABORTION
	4				
13	750.30		PUB ORD	H	ADULTERY
	4				
14	750.32		PUB ORD	H	COHABITATION OF DIVORCED
15	4				PARTIES

16 SEC. 16B. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
17 ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:

18	M.C.L.		CATEGORY	CLASS	DESCRIPTION
	STAT	MAX			
19	750.49(2)(A) TO (D)		PUB ORD	F	FIGHTING ANIMALS OR PROVIDING
20	4				FACILITIES FOR ANIMAL FIGHTS
21	750.49(2)(E)		PUB ORD	F	ORGANIZING OR PROMOTING ANIMAL
22	4				FIGHTS
23	750.49(2)(F)		PUB ORD	H	ATTENDING ANIMAL FIGHT
	4				
24	750.49(2)(G)		PUB ORD	F	BREEDING OR SELLING FIGHTING
25	4				ANIMALS
26	750.49(2)(H)		PUB ORD	F	SELLING OR POSSESSING EQUIP-
27	4				MENT FOR ANIMAL FIGHTS
28	750.49(8)		PERSON	A	INCITING FIGHTING ANIMAL
29	LIFE				RESULTING IN DEATH
30	750.49(9)		PERSON	F	INCITING FIGHTING ANIMAL TO
31					ATTACK

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1	750.49(10)	PERSON	D	FIGHTING ANIMAL ATTACKING
2				WITHOUT PROVOCATION AND
3				DEATH RESULTING
	15			
4	750.50(4)	PUB ORD	G	ANIMAL NEGLECT OR CRUELTY --
5				SECOND OFFENSE
	2			
6	750.50(4)	PUB ORD	F	ANIMAL NEGLECT OR CRUELTY --
7				THIRD OR SUBSEQUENT OFFENSE
	4			
8	750.50B(2)	PROPERTY	F	KILLING OR TORTURING ANIMALS
	4			
9	750.50C(5)	PUB ORD	E	KILLING OR CAUSING SERIOUS
10				PHYSICAL HARM TO LAW
11				ENFORCEMENT ANIMAL
	5			
12	750.50C(7)	PUB SAF	H	HARASSING OR CAUSING HARM TO
13				LAW ENFORCEMENT ANIMAL WHILE
14				COMMITTING CRIME
	2			
15	750.68	PROPERTY	G	CHANGING BRANDS WITH INTENT TO
16				STEAL
	4			

17 SEC. 16C. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
 18 ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:

19 **M.C.L. CATEGORY CLASS DESCRIPTION**
 20 **STAT MAX**

20	750.72	PERSON	B	ARSON OF A DWELLING HOUSE
	20			
21	750.73	PROPERTY	D	ARSON OF REAL PROPERTY
	10			
22	750.74	PERSON	F	ARSON OF PERSONAL PROPERTY
23				GREATER THAN \$50
	4			
24	750.75	PROPERTY	D	ARSON OF INSURED PROPERTY
	10			
25	750.77	PERSON	F	PREPARING TO BURN PERSONAL
26				PROPERTY GREATER THAN \$50
	4			
27	750.78	PUB SAF	F	ARSON OF WOODS AND PRAIRIES
	4			
28	750.79	PUB SAF	F	VIOLATING TOWNSHIP RULES CON-
29				CERNING CLEARING OF LAND AND
30				BURNING
	4			
31	750.80	PROPERTY	D	ARSON OF MINES
	LIFE			

32 SEC. 16D. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES

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33 ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:

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1 M.C.L. STAT MAX	CATEGORY	CLASS	DESCRIPTION
2 750.81(4) 3 2	PERSON	G	DOMESTIC ASSAULT -- THIRD OFFENSE
4 750.81A(3) 5 2	PERSON	G	AGGRAVATED DOMESTIC ASSAULT -- SECOND OFFENSE
6 750.82(1) 4	PERSON	F	FELONIOUS ASSAULT
7 750.82(2) 8 4	PERSON	F	FELONIOUS ASSAULT -- WEAPON-FREE SCHOOL ZONE
9 750.83 LIFE	PERSON	A	ASSAULT WITH INTENT TO MURDER
10 750.84 11 12 10	PERSON	D	ASSAULT WITH INTENT TO DO GREAT BODILY HARM LESS THAN MURDER
13 750.86 10	PERSON	D	ASSAULT WITH INTENT TO MAIM
14 750.87 15 10	PERSON	D	ASSAULT WITH INTENT TO COMMIT A FELONY
16 750.88 17 15	PERSON	C	ASSAULT WITH INTENT TO COMMIT UNARMED ROBBERY
18 750.89 19 LIFE	PERSON	A	ASSAULT WITH INTENT TO COMMIT ARMED ROBBERY
20 750.90 21 10	PERSON	D	SEXUAL INTERCOURSE UNDER PRE- TEXT OF MEDICAL TREATMENT
22 750.91 LIFE	PERSON	A	ATTEMPTED MURDER
23	SEC. 16E. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES		
24	ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:		
25 M.C.L. STAT MAX	CATEGORY	CLASS	DESCRIPTION
26 750.93 27 10	PROPERTY	G	REMOVING OR DESTROYING BONDS IN STATE TREASURY
28 750.94 29 10	PROPERTY	G	ISSUING BANK NOTES WITHOUT COMPLYING WITH REQUIREMENTS
30 750.95 10	PROPERTY	G	FRAUDULENT BANK NOTES

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31	750.96	PROPERTY	G	FRAUDULENT DISPOSAL OF BANK
32				PROPERTY
	4			

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31	750.119	PUB TRST	F	BRIBING JURORS AND OTHERS
	4			
32	750.120	PUB TRST	F	JURORS AND OTHERS ACCEPTING
33				BRIBES
	4			

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32 750.145N(2) PERSON F VULNERABLE ADULT ABUSE --
33 4 SECOND DEGREE

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1	750.164	PUB ORD	F	DESERTION TO ESCAPE
2	4			PROSECUTION
3	750.165	PUB ORD	F	FAILING TO PAY SUPPORT AND
4	4			LEAVING STATE
5	750.171	PERSON	E	DUELLING
	10			
6	750.174	PROPERTY	D	EMBEZZLEMENT BY AGENT OVER
7	10			\$100
8	750.175	PUB TRST	D	EMBEZZLEMENT BY PUBLIC OFFI-
9	10			CIAL OVER \$50
10	750.176	PUB TRST	E	EMBEZZLEMENT BY ADMIN-
11	10			ISTRATOR/EXECUTOR/GUARDIAN
12	750.177	PROPERTY	H	EMBEZZLEMENT BY CHATTEL MORT-
13	2			GAGOR OVER \$100
14	750.178	PROPERTY	G	EMBEZZLEMENT OF MORTGAGED OR
15	2			LEASED PROPERTY -- OVER \$100
16	750.179	PROPERTY	G	EMBEZZLEMENT OF RAILROAD
17	4			TICKETS
18	750.180	PROPERTY	D	EMBEZZLEMENT BY FINANCIAL
19	20			INSTITUTIONS
20	750.181	PROPERTY	E	EMBEZZLEMENT OF JOINTLY HELD
21	10			PROPERTY OVER \$100
22	750.182	PROPERTY	G	EMBEZZLEMENT BY WAREHOUSES
	4			
23	750.182A	PUB TRST	H	FALSIFYING SCHOOL RECORDS
	2			
24	SEC. 16J. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES			
25	ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:			
26	M.C.L.	CATEGORY	CLASS	DESCRIPTION
	STAT MAX			
27	750.183	PUB SAF	E	AIDING ESCAPING PRISONER
	7			
28	750.186A(1)	PUB SAF	F	ESCAPE FROM A JUVENILE
29	4			FACILITY
30	750.189	PUB SAF	H	OFFICER NEGLIGENTLY ALLOWING
31				PRISONER TO ESCAPE OR REFUS-
32				ING TO RECEIVE PRISONER

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1	750.223(3)	PUB ORD	D	SALE OF FIREARM TO PERSON
2	10			PROHIBITED FROM POSSESSING
3	750.224	PUB SAF	E	MANUFACTURE OR SALE OF
4				SILENCER, BOMB, BLACKJACK,
5				AUTOMATIC WEAPON, GAS SPRAY,
6	5			ETC.
7	750.224A	PUB SAF	F	POSSESSION OR SALE OF ELECTRI-
8	4			CAL CURRENT WEAPONS
9	750.224B	PUB SAF	E	POSSESSION OF SHORT BARRELED
10	5			SHOTGUN OR RIFLE
11	750.224C	PUB SAF	F	ARMOR PIERCING AMMUNITION
	4			
12	750.224D(2)	PERSON	G	USING SELF-DEFENSE SPRAY
13	2			DEVICE
14	750.224E	PUB SAF	F	MANUFACTURE/SALE/POSSESSION OF
15				DEVICES TO CONVERT SEMIAUTO-
16	4			MATIC WEAPONS
17	750.224F	PUB SAF	E	POSSESSION OR SALE OF FIREARM
18	5			BY FELON
19	750.226	PUB SAF	E	CARRYING FIREARM OR DANGEROUS
20	5			WEAPON WITH UNLAWFUL INTENT
21	750.227	PUB SAF	E	CARRYING A CONCEALED WEAPON
	5			
22	750.227A	PUB SAF	F	UNLAWFUL POSSESSION OF PISTOL
	4			
23	750.227C	PUB SAF	G	POSSESSING A LOADED FIREARM IN
24	2			OR UPON A VEHICLE
25	750.227F	PUB SAF	F	WEARING BODY ARMOR DURING COM-
26	4			MISSION OF VIOLENT CRIME
27	750.230	PUB SAF	G	ALTERING ID MARK ON FIREARM
	2			
28	750.232A(3)	PUB SAF	G	FALSE STATEMENT IN A PISTOL
29	4			APPLICATION
30	750.234A	PUB SAF	F	DISCHARGING FIREARM FROM
31	4			VEHICLE
32	750.234B	PUB SAF	F	DISCHARGING FIREARM IN OR AT A
33	4			BUILDING

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34 750.234C
35

PUB SAF F

DISCHARGING FIREARM AT
EMERGENCY/POLICE VEHICLE

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1 750.236 PERSON C SETTING SPRING GUN -- DEATH
 2 15 RESULTING

3 750.237A(1) PUB SAF F WEAPON-FREE SCHOOL ZONES --
 4 VARIABLE GENERAL FELONY VIOLATIONS

5 SEC. 16N. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
 6 ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:

7 **M.C.L. CATEGORY CLASS DESCRIPTION**
STAT MAX

8 750.241(1) PUB SAF F OBSTRUCTING FIREFIGHTER
 4

9 750.241(3) PUB SAF F OBSTRUCTING PUBLIC SERVICE
 10 FACILITY PERSONNEL IN CIVIL
 11 DISTURBANCE
 4

12 750.248 PROPERTY E FORGERY
 14

13 750.248A PROPERTY F UTTERING & PUBLISHING FINAN-
 14 CIAL TRANSACTION DEVICE
 4

15 750.249 PROPERTY E UTTERING & PUBLISHING FORGED
 16 RECORDS
 14

17 750.249A PROPERTY H MOLDS OR DIES TO FORGE FINAN-
 18 CIAL TRANSACTION DEVICE
 4

19 750.250 PROPERTY E FORGERY OF TREASURY NOTES
 7

20 750.251 PROPERTY E FORGERY OF BANK BILLS
 7

21 750.252 PROPERTY E POSSESSING COUNTERFEIT NOTES
 7

22 750.253 PROPERTY G UTTERING COUNTERFEIT NOTES
 5

23 750.254 PROPERTY E POSSESSION OF COUNTERFEIT
 24 NOTES OR BILLS
 5

25 750.255 PROPERTY E POSSESSION OF COUNTERFEITING
 26 TOOLS
 10

27 750.260 PROPERTY E COUNTERFEITING COINS OR POS-
 28 SESSION OF 5 OR MORE COUN-
 29 TERFEIT COINS
 LIFE

30 750.261 PROPERTY E POSSESSION OF 5 OR FEWER COUN-
 31 TERFEIT COINS
 10

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1	750.263(3)	PROPERTY	E	DELIVERY, USE, OR DISPLAY OF
2				ITEMS WITH COUNTERFEIT MARK
3				-- SUBSEQUENT OFFENSE OR
4				OVER \$1,000 OR 100 ITEMS
5				
5	750.263(4)	PROPERTY	E	MANUFACTURING ITEMS WITH COUN-
6				TERFEIT MARK
5				
7	750.266	PROPERTY	G	COUNTERFEITING RAILROAD
8				TICKETS
4				

9 SEC. 160. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
 10 ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:

11 **M.C.L. CATEGORY CLASS DESCRIPTION**
 12 **STAT MAX**

12	750.271	PROPERTY	E	FRAUDULENTLY ISSUING OR SELL-
13				ING DOMESTIC SECURITIES
10				
14	750.272	PROPERTY	G	SALE OF FRAUDULENT STOCK OF
15				FOREIGN CORPORATIONS
10				
16	750.273	PROPERTY	E	OBTAINING SIGNATURE TO FINAN-
17				CIAL DOCUMENT WITH INTENT TO
18				DEFRAUD
10				
19	750.274	PROPERTY	E	FRAUD -- PURCHASING/COLLECTING
20				ON FRAUDULENT FINANCIAL
21				DOCUMENT
10				
22	750.276	PROPERTY	G	FRAUD -- PROMISE TO VENDEE OF
23				GRAIN AT FICTITIOUS PRICE
4				
24	750.277	PUB TRST	G	PROMISE TO VENDEE OF GRAIN TO
25				SELL AT A FICTITIOUS PRICE
26				-- SALE AND TRANSFER
4				
27	750.278	PROPERTY	G	FRAUD -- WAREHOUSE RECEIPTS
5				
28	750.279	PROPERTY	G	FRAUD -- DISPOSITION OF
29				EXHAUSTED PROPERTY
4				
30	750.280	PROPERTY	E	GROSS FRAUDS/CHEATS AT COMMON
31				LAW
10				
32	750.282	PUB ORD	G	PUBLIC UTILITY -- FRAUDULENT
33				USE OVER \$500
4				
34	750.300	PUB ORD	G	ANIMALS -- KILLING/INJURING TO
35				DEFRAUD INSURANCE COMPANY
2				

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**32 M.C.L.
STAT MAX**

CATEGORY CLASS DESCRIPTION

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29	750.358 5	PROPERTY	G	LARCENY FROM BURNING BUILDING
30	750.360 4	PROPERTY	G	LARCENY IN A BUILDING

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33	750.380	PROPERTY	F	MALICIOUS DESTRUCTION OF
34	4			BUILDING OVER \$100

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1	750.383A	PROPERTY	F	MALICIOUS DESTRUCTION OF
2	4			UTILITY EQUIPMENT
3	750.386	PROPERTY	E	MALICIOUS DESTRUCTION OF MINE
4	20			PROPERTY
5	750.387	PROPERTY	G	MALICIOUS DESTRUCTION OF TOMBS
6	5			& MEMORIALS
7	750.392	PROPERTY	E	MALICIOUS DESTRUCTION OF PROP-
8	10			ERTY -- VESSELS
9	750.397	PERSON	D	MAYHEM
	10			
10	750.397A	PERSON	D	PLACING HARMFUL OBJECTS IN
11	10			FOOD
12	750.405	PUB SAF	E	INCITING SOLDIERS TO DESERT
	5			
13	750.406	PUB SAF	E	MILITARY STORES -- LARCENY,
14	5			EMBEZZLEMENT OR DESTRUCTION
15	SEC. 16T. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES			
16	ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:			
17	M.C.L.	CATEGORY	CLASS	DESCRIPTION
	STAT MAX			
18	750.410A	PERSON	G	CONSPIRACY TO COMMIT A PERSON
19	4			TO STATE HOSPITAL UNJUSTLY
20	750.411A(1)(B)	PUB ORD	F	FALSE REPORT OF A FELONY
	4			
21	750.411A(2)	PUB ORD	F	FALSE REPORT OF A BOMBING OR
22	4			THREAT TO BOMB
23	750.411B	PUB TRST	G	EXCESS FEES TO MEMBERS OF
24	4			LEGISLATURE
25	750.411H(2)(B)	PERSON	E	STALKING OF A MINOR
	5			
26	750.411I(3)(B)	PERSON	D	AGGRAVATED STALKING OF A MINOR
	10			
27	750.411J	PUB ORD	H	MONEY LAUNDERING -- FOURTH
28	2			DEGREE

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1 2	750.411M 5	PUB ORD	E	MONEY LAUNDERING -- THIRD DEGREE
3 4	750.411N 10	PUB ORD	D	MONEY LAUNDERING -- SECOND DEGREE
5 6	750.411O 20	PUB ORD	B	MONEY LAUNDERING -- FIRST DEGREE
7 8 9	750.411P(2)(A) 20	PROPERTY	B	MONEY LAUNDERING -- >\$10,000 PROCEEDS FROM CONTROLLED SUBSTANCE OFFENSE
10 11 12 13	750.411P(2)(B) 10	PROPERTY	D	MONEY LAUNDERING -- PROCEEDS FROM CONTROLLED SUBSTANCE OFFENSE OR OTHER PROCEEDS >\$10,000
14 15 16	750.411P(2)(C) 5	PROPERTY	E	MONEY LAUNDERING -- TRANSACTIONS INVOLVING REPRESENTED PROCEEDS
17 18	SEC. 16U. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:			
19	M.C.L. STAT MAX	CATEGORY	CLASS	DESCRIPTION
20 21	750.413 5	PROPERTY	E	UNLAWFUL DRIVING AWAY OF AN AUTOMOBILE
22	750.414 2	PROPERTY	H	UNLAWFUL USE OF AN AUTOMOBILE
23 24 25	750.415(2) 4	PROPERTY	G	MOTOR VEHICLES -- CONCEAL/MISREPRESENT IDENTITY W/INTENT TO MISLEAD
26 27	750.417 4	PROPERTY	H	MOTOR VEHICLE -- MORTGAGED -- REMOVAL FROM STATE
28 29 30	750.418 4	PROPERTY	H	REMOVING A VEHICLE OUT OF STATE WITHOUT VENDOR'S CONSENT
31 32	750.420 4	PUB SAF	H	MOTOR VEHICLE -- EQUIPPING TO RELEASE SMOKE/GAS

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1 750.421 PUB SAF H MOTOR VEHICLE -- DESIGNED FOR
2 5 ATTACK

3 750.421B PUB SAF H HINDER TRANSPORT OF
4 FARM/COMMERCIAL PRODUCTS --
5 SECOND OFFENSE
2

6 SEC. 16V. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
7 ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:

8 **M.C.L. CATEGORY CLASS DESCRIPTION**
9 **STAT MAX**

9 750.422 PUB TRST G PERJURY -- COMMITTED IN
10 COURT/CAPITAL CRIME
LIFE

11 750.422 PUB TRST G PERJURY -- COMMITTED IN
12 COURT/NONCAPITAL CRIME
15

13 750.423 PUB TRST E PERJURY
15

14 750.424 PUB TRST E SUBORNATION OF PERJURY
15

15 750.425 PUB TRST E INCITING OR PROCURING PERJURY
5

16 750.436(1) PERSON E POISONING FOOD/DRINK/WELLS
5

17 750.436(2) PERSON A POISON --
18 FOOD/DRINK/MEDICINE/WELLS --
19 LARGE AMOUNTS/INJURY
LIFE

20 750.436(3) PUB SAF H POISON -- MALICIOUS FALSE
21 STATEMENT OF POISONING
2

22 750.439 PUB ORD G POLYGAMY
4

23 750.440 PUB ORD G POLYGAMY -- KNOWINGLY ENTERING
24 A PROHIBITED MARRIAGE
4

25 750.441 PUB ORD G TEACHING OR ADVOCATING
26 POLYGAMY
4

27 750.442 PUB ORD G PARTICIPATING IN PRIZEFIGHTS
4

28 750.443 PUB ORD G PRIZEFIGHTS -- TRAINING
4

29 SEC. 16W. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
30 ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:

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**31 M.C.L.
STAT MAX**

CATEGORY CLASS DESCRIPTION

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1	750.451	PUB ORD	G	PROSTITUTION -- VARIOUS
2	2			OFFENSES THIRD OFFENSE
3	750.452	PUB ORD	E	KEEPING A HOUSE OF
4	5			PROSTITUTION
5	750.455	PUB ORD	G	PANDERING
	20			
6	750.456	PERSON	B	PLACING SPOUSE INTO
7	20			PROSTITUTION
8	750.457	PUB ORD	G	ACCEPTING EARNINGS OF A
9	20			PROSTITUTE
10	750.458	PERSON	B	PROSTITUTION -- DETAINING
11	20			FEMALE FOR DEBT
12	750.459	PERSON	B	TRANSPORTING A FEMALE FOR
13	20			PROSTITUTION

14 SEC. 16X. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
 15 ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:

16 **M.C.L. CATEGORY CLASS DESCRIPTION**
STAT MAX

17	750.479	PERSON	G	RESISTING OR OBSTRUCTING A
18	2			PEACE OFFICER
19	750.479A(2)	PUB SAF	G	FLEEING & ELUDING -- FOURTH
20	2			DEGREE
21	750.479A(3)	PUB SAF	E	FLEEING & ELUDING -- THIRD
22	5			DEGREE
23	750.479A(4)	PERSON	D	FLEEING & ELUDING -- SECOND
24	10			DEGREE
25	750.479A(5)	PERSON	C	FLEEING & ELUDING -- FIRST
26	15			DEGREE
27	750.479A(6)	PERSON	H	ASSAULTING PEACE OFFICER
	2			
28	750.479B(1)	PERSON	F	DISARMING PEACE OFFICER --
29	4			NON-FIREARM
30	750.479B(2)	PERSON	D	DISARMING PEACE OFFICER-
31	10			FIREARM
32	750.480	PUB TRST	F	PUBLIC OFFICERS -- REFUSING TO

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33
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4

TURN OVER BOOKS/MONEY TO
SUCCESSOR

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1	750.488	PUB TRST	H	PUBLIC OFFICERS -- STATE
2	2			OFFICIAL -- RETAINING FEES
3	750.490	PUB TRST	H	PUBLIC MONEY -- SAFE KEEPING
4	2			
4	750.491	PUB TRST	H	PUBLIC RECORDS --
5				REMOVAL/MUTILATION/DESTRUCTION
6	2			
7	750.492A(1)(A)	PUB TRST	G	MEDICAL RECORD -- INTENTIONAL
8				PLACE FALSE INFO -- HEALTH
9	4			CARE PROVIDER
10	750.492A(2)	PUB TRST	G	MEDICAL RECORD -- HEALTH CARE
11				PROVIDER ALTER CONCEAL
12	4			INJURY/DEATH
13	750.495A(2)	PERSON	F	CONCEALING OBJECTS IN TREES OR
14				WOOD PRODUCTS -- CAUSING
15	4			INJURY
16	750.495A(3)	PERSON	C	CONCEALING OBJECTS IN TREES OR
17				WOOD PRODUCTS -- CAUSING
18	15			DEATH
19	750.505	PUB ORD	E	COMMON LAW OFFENSES
	5			
20	750.511	PERSON	A	BLOCKING OR WRECKING RAILROAD
21	LIFE			TRACK
22	750.512	PROPERTY	E	UNCOUPLING RAILROAD CARS
	10			
23	750.513	PROPERTY	H	ISSUING FRAUDULENT RAILROAD
24	10			SECURITIES
25	750.514	PROPERTY	H	SEIZING LOCOMOTIVE WITH MAIL
26	10			CAR
27	750.516	PERSON	C	STOPPING TRAIN TO ROB
	LIFE			
28	750.517	PERSON	C	BOARDING TRAIN TO ROB
	LIFE			

29 SEC. 16Y. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
 30 ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:

31 **M.C.L. CATEGORY CLASS DESCRIPTION**
STAT MAX

32	750.520B	PERSON	A	FIRST DEGREE CRIMINAL SEXUAL
33	LIFE			CONDUCT

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34	750.520C	PERSON	C	SECOND DEGREE CRIMINAL SEXUAL
35	15			CONDUCT

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1	750.520D	PERSON	C	THIRD DEGREE CRIMINAL SEXUAL
2	15			CONDUCT
3	750.520E	PERSON	G	FOURTH DEGREE CRIMINAL SEXUAL
4	2			CONDUCT
5	750.520G(1)	PERSON	D	ASSAULT WITH INTENT TO COMMIT
6	10			SEXUAL PENETRATION
7	750.520G(2)	PERSON	E	ASSAULT WITH INTENT TO COMMIT
8	5			SEXUAL CONTACT
9	750.528	PUB SAF	F	DESTROYING DWELLING HOUSE OR
10	4			OTHER PROPERTY
11	750.528A	PUB SAF	F	CIVIL DISORDERS --
12	4			FIREARMS/EXPLOSIVES
13	750.529	PERSON	A	ARMED ROBBERY
	LIFE			
14	750.529A	PERSON	A	CARJACKING
	LIFE			
15	750.530	PERSON	C	UNARMED ROBBERY
	15			
16	750.531	PERSON	C	BANK ROBBERY/SAFEBREAKING
	LIFE			
17	750.532	PERSON	H	SEDUCTION
	5			
18	SEC. 16Z. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES			
19	ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:			
20	M.C.L.	CATEGORY	CLASS	DESCRIPTION
	STAT MAX			
21	750.535	PROPERTY	E	RECEIVING OR CONCEALING STOLEN
22	5			PROPERTY OVER \$100
23	750.535A	PUB ORD	E	OPERATING A CHOP SHOP
	5			
24	750.535B	PUB SAF	E	STOLEN FIREARMS OR AMMUNITION
	10			
25	750.539C	PUB ORD	H	EAVESDROPPING
	2			
26	750.539D	PUB ORD	H	INSTALLING EAVESDROPPING
27	2			DEVICE
28	750.539E	PUB ORD	H	DIVULGING INFORMATION OBTAINED
29	2			BY EAVESDROPPING

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1	752.802	PROPERTY	H	VENDING MACHINES --
2	5			MANUFACTURE/SALE OF SLUGS
3	752.811	PROPERTY	H	BREAKING AND ENTERING A COIN
4	3			OPERATED DEVICE
5	752.861	PERSON	G	CARELESS DISCHARGE OF FIREARM
6	2			CAUSING INJURY OR DEATH
7	752.881	PERSON	G	RECKLESS USE OF BOW & ARROW
8	2			RESULTING IN INJURY OR DEATH
9	752.1003	PROPERTY	F	HEALTH CARE FRAUD -- FALSE
10				CLAIM/STATE, UNNECESSARY,
11	4			CONCEAL INFO
12	752.1004	PROPERTY	F	HEALTH CARE FRAUD --
13	4			KICKBACKS/REFERRAL FEES
14	752.1005	PROPERTY	H	HEALTH CARE FRAUD --
15	10			CONSPIRACY
16	752.1006	PROPERTY	D	HEALTH CARE FRAUD -- SECOND
17	20			OFFENSE
18	752.1027	PERSON	F	ASSISTED SUICIDE
19	752.1054(2)	PROPERTY	G	COPYING AUDIO/VIDEO RECORDINGS
20	5			FOR GAIN
21	764.1E	PUB TRST	C	PEACE OFFICER -- FALSE STATE-
22	15			MENT IN A COMPLAINT
23	767.4A	PUB TRST	F	DISCLOSING OR POSSESSING GRAND
24	4			JURY INFORMATION
25	800.281(1)	PUB SAF	H	FURNISHING PRISONER WITH
26	5			CONTRABAND
27	800.281(2)	PUB SAF	H	FURNISHING PRISONER
28	5			W/CONTRABAND OUTSIDE
29	800.281(3)	PUB SAF	H	BRINGING CONTRABAND INTO
30	5			PRISONS
31	800.281(4)	PUB SAF	E	PRISONER POSSESSING CONTRABAND
32	800.283(1)	PUB SAF	E	FURNISHING WEAPON TO PRISONER
33	5			IN PRISON

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34 800.283(2)
35
36

PUB SAF

E

PRISONS -- KNOWLEDGE OF A
WEAPON IN A CORRECTIONAL
FACILITY

5

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1 800.283(3) PUB SAF E BRINGING WEAPON INTO PRISON
5
2 800.283(4) PUB SAF E PRISONER POSSESSING WEAPON
5

3 SEC. 18. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES:
4

5	M.C.L. STAT MAX	CATEGORY	DESCRIPTION
6 7 8	333.7410 VARIABLE	CS	CONTROLLED SUBSTANCE DELIVERY OR DISTRIBUTION TO MINORS OR STUDENTS
9 10	333.7413(2) OR (3) VARIABLE	PUB TRST	SUBSEQUENT CONTROLLED SUB- STANCE VIOLATIONS
11 12 13	333.7416(1)(A) VARIABLE	CS	RECRUITING OR INDUCING A MINOR TO COMMIT A CONTROLLED SUB- STANCE FELONY
14	750.157A(A) VARIABLE	PUB SAF	CONSPIRACY
15 16	750.157C VARIABLE	PERSON	INDUCING MINOR TO COMMIT A FELONY
17 18	750.188 VARIABLE	PUB ORD	VOLUNTARILY SUFFERING PRISONER TO ESCAPE
19	750.367A VARIABLE	PROPERTY	LARCENY OF RATIONED GOODS

20 SEC. 19. (1) THIS CHAPTER APPLIES TO AN ATTEMPT TO COMMIT
21 AN OFFENSE ENUMERATED IN THIS PART IF THE ATTEMPTED VIOLATION IS
22 A FELONY. THIS CHAPTER DOES NOT APPLY TO AN ATTEMPT TO COMMIT A
23 CLASS H OFFENSE ENUMERATED IN THIS PART.

24 (2) FOR AN ATTEMPT TO COMMIT AN OFFENSE ENUMERATED IN THIS
25 PART, THE OFFENSE CATEGORY IS THE SAME AS THE ATTEMPTED OFFENSE.

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1 (3) FOR AN ATTEMPT TO COMMIT AN OFFENSE ENUMERATED IN THIS
2 PART, THE CLASS IS AS FOLLOWS:

3 (A) CLASS E IF THE ATTEMPTED OFFENSE IS IN CLASS A, B, C, OR
4 D.

5 (B) CLASS H IF THE ATTEMPTED OFFENSE IS IN CLASS E, F, OR G.

6 PART 3

7 SCORING INSTRUCTIONS FOR SENTENCING GUIDELINES

8 SEC. 21. (1) FOR AN OFFENSE ENUMERATED IN PART 2 OF THIS
9 CHAPTER, DETERMINE THE RECOMMENDED MINIMUM SENTENCE RANGE AS
10 FOLLOWS:

11 (A) FIND THE OFFENSE CATEGORY FOR THE OFFENSE FROM PART 2 OF
12 THIS CHAPTER. FROM SECTION 22 OF THIS CHAPTER, DETERMINE THE
13 OFFENSE VARIABLES TO BE SCORED FOR THAT OFFENSE CATEGORY AND
14 SCORE ONLY THOSE OFFENSE VARIABLES FOR THE OFFENDER AS PROVIDED
15 IN PART 4 OF THIS CHAPTER. TOTAL THOSE POINTS TO DETERMINE THE
16 OFFENDER'S OFFENSE VARIABLE LEVEL.

17 (B) SCORE ALL PRIOR RECORD VARIABLES FOR THE OFFENDER AS
18 PROVIDED IN PART 5 OF THIS CHAPTER. TOTAL THOSE POINTS TO DETER-
19 MINE THE OFFENDER'S PRIOR RECORD VARIABLE LEVEL.

20 (C) FIND THE OFFENSE CLASS FOR THE OFFENSE FROM PART 2 OF
21 THIS CHAPTER. USING THE SENTENCING GRID FOR THAT OFFENSE CLASS
22 IN PART 6 OF THIS CHAPTER, DETERMINE THE RECOMMENDED MINIMUM SEN-
23 TENCE RANGE FROM THE INTERSECTION OF THE OFFENDER'S OFFENSE VARI-
24 ABLE LEVEL AND PRIOR RECORD VARIABLE LEVEL. THE RECOMMENDED MIN-
25 IMUM SENTENCE WITHIN A SENTENCING GRID IS SHOWN AS A RANGE OF
26 MONTHS OR LIFE.

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1 (2) IF THE DEFENDANT WAS CONVICTED OF MULTIPLE OFFENSES,
2 SCORE EACH OFFENSE AS PROVIDED IN THIS PART.

3 (3) IF THE OFFENDER IS BEING SENTENCED UNDER SECTION 10, 11,
4 OR 12 OF CHAPTER IX, DETERMINE THE OFFENSE CATEGORY, OFFENSE
5 CLASS, OFFENSE VARIABLE LEVEL, AND PRIOR RECORD VARIABLE LEVEL
6 BASED ON THE UNDERLYING OFFENSE. TO DETERMINE THE RECOMMENDED
7 MINIMUM SENTENCE RANGE, INCREASE THE UPPER LIMIT OF THE RECOM-
8 MENDED MINIMUM SENTENCE RANGE DETERMINED UNDER PART 6 FOR THE
9 UNDERLYING OFFENSE AS FOLLOWS:

10 (A) IF THE OFFENDER IS BEING SENTENCED FOR A SECOND FELONY,
11 25%.

12 (B) IF THE OFFENDER IS BEING SENTENCED FOR A THIRD FELONY,
13 50%.

14 (C) IF THE OFFENDER IS BEING SENTENCED FOR A FOURTH OR SUB-
15 SEQUENT FELONY, 100%.

16 (4) IF THE OFFENDER IS BEING SENTENCED FOR A VIOLATION
17 DESCRIBED IN SECTION 18 OF THIS CHAPTER, DETERMINE THE OFFENSE
18 CLASS, OFFENSE VARIABLE LEVEL, AND PRIOR RECORD VARIABLE LEVEL
19 BASED ON THE UNDERLYING OFFENSE.

20 (5) IF THE OFFENDER IS BEING SENTENCED FOR AN ATTEMPTED
21 FELONY DESCRIBED IN SECTION 19 OF THIS CHAPTER, DETERMINE THE
22 OFFENSE VARIABLE LEVEL AND PRIOR RECORD VARIABLE LEVEL BASED ON
23 THE UNDERLYING ATTEMPTED OFFENSE.

24 SEC. 22. (1) FOR ALL CRIMES AGAINST A PERSON, SCORE OFFENSE
25 VARIABLES 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, AND 19. SCORE
26 OFFENSE VARIABLES 5 AND 6 FOR HOMICIDE OR ATTEMPTED HOMICIDE.
27 SCORE OFFENSE VARIABLE 16 UNDER THIS SUBSECTION FOR A VIOLATION

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1 OR ATTEMPTED VIOLATION OF SECTION 110A OF THE MICHIGAN PENAL
2 CODE, 1931 PA 328, MCL 750.110A. SCORE OFFENSE VARIABLES 17 AND
3 18 IF AN ELEMENT OF THE OFFENSE OR ATTEMPTED OFFENSE INVOLVES THE
4 OPERATION OF A VEHICLE, VESSEL, AIRCRAFT, OR LOCOMOTIVE.

5 (2) FOR ALL CRIMES AGAINST PROPERTY, SCORE OFFENSE VARIABLES
6 1, 2, 3, 4, 9, 10, 12, 13, 14, 16, AND 19.

7 (3) FOR ALL CRIMES INVOLVING A CONTROLLED SUBSTANCE, SCORE
8 OFFENSE VARIABLES 1, 2, 3, 12, 13, 14, 15, AND 19.

9 (4) FOR ALL CRIMES AGAINST PUBLIC ORDER AND ALL CRIMES
10 AGAINST PUBLIC TRUST, SCORE OFFENSE VARIABLES 1, 3, 4, 9, 10, 12,
11 13, 14, 16, AND 19.

12 (5) FOR ALL CRIMES AGAINST PUBLIC SAFETY, SCORE OFFENSE
13 VARIABLES 1, 3, 4, 9, 10, 12, 13, 14, 16, AND 19. SCORE OFFENSE
14 VARIABLE 18 IF AN ELEMENT OF THE OFFENSE INVOLVES THE OPERATION
15 OF A VEHICLE, VESSEL, AIRCRAFT, OR LOCOMOTIVE.

16 PART 4

17 OFFENSE VARIABLES

18 SEC. 31. (1) OFFENSE VARIABLE 1 IS AGGRAVATED USE OF A
19 WEAPON. SCORE OFFENSE VARIABLE 1 BY DETERMINING WHICH OF THE
20 FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUT-
21 ABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

22 (A) A FIREARM WAS DISCHARGED AT OR TOWARD A HUMAN
23 BEING OR A VICTIM WAS CUT OR STABBED WITH A KNIFE OR
24 OTHER CUTTING OR STABBING WEAPON..... 25 POINTS

25 (B) A FIREARM WAS POINTED AT OR TOWARD A VICTIM
26 OR THE VICTIM HAD A REASONABLE APPREHENSION OF AN

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- 1 IMMEDIATE BATTERY WHEN THREATENED WITH A KNIFE OR
2 OTHER CUTTING OR STABBING WEAPON..... 15 POINTS
3 (C) THE VICTIM WAS TOUCHED BY ANY OTHER TYPE OF
4 WEAPON..... 10 POINTS
5 (D) A WEAPON WAS DISPLAYED OR IMPLIED..... 5 POINTS
6 (E) NO AGGRAVATED USE OF A WEAPON OCCURRED..... 0 POINTS
7 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
8 1:
9 (A) COUNT EACH PERSON WHO WAS PLACED IN DANGER OR INJURY OR
10 LOSS OF LIFE AS A VICTIM.
11 (B) IN MULTIPLE OFFENDER CASES, IF 1 OFFENDER IS ASSESSED
12 POINTS FOR THE PRESENCE OR USE OF A WEAPON, ALL OFFENDERS SHALL
13 BE ASSESSED THE SAME NUMBER OF POINTS.
14 (C) SCORE 5 POINTS IF AN OFFENDER USED AN OBJECT TO SUGGEST
15 THE PRESENCE OF A WEAPON.
16 (D) DO NOT SCORE 5 POINTS IF THE CONVICTION OFFENSE IS A
17 VIOLATION OF SECTION 82 OR 529 OF THE MICHIGAN PENAL CODE, 1931
18 PA 328, MCL 750.82 AND 750.529.
19 SEC. 32. (1) OFFENSE VARIABLE 2 IS LETHAL POTENTIAL OF THE
20 WEAPON POSSESSED. SCORE OFFENSE VARIABLE 2 BY DETERMINING WHICH
21 OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS
22 ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:
23 (A) THE OFFENDER POSSESSED AN INCENDIARY DEVICE,
24 AN EXPLOSIVE DEVICE, OR A FULLY AUTOMATIC WEAPON..... 15 POINTS
25 (B) THE OFFENDER POSSESSED A SHORT BARRELED RIFLE
26 OR A SHORT BARRELED SHOTGUN..... 10 POINTS

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1 (C) THE OFFENDER POSSESSED A PISTOL, RIFLE,
2 SHOTGUN, OR KNIFE OR OTHER CUTTING OR STABBING WEAPON. 5 POINTS

3 (D) THE OFFENDER POSSESSED ANY OTHER POTENTIALLY
4 LETHAL WEAPON..... 1 POINT

5 (E) THE OFFENDER POSSESSED NO WEAPON..... 0 POINTS

6 (2) IN MULTIPLE OFFENDER CASES, IF 1 OFFENDER IS ASSESSED
7 POINTS FOR POSSESSING A WEAPON, ALL OFFENDERS SHALL BE ASSESSED
8 THE SAME NUMBER OF POINTS.

9 (3) AS USED IN THIS SECTION:

10 (A) "FULLY AUTOMATIC WEAPON" MEANS A FIREARM EMPLOYING GAS
11 PRESSURE OR FORCE OF RECOIL OR OTHER MEANS TO EJECT AN EMPTY CAR-
12 TRIDGE FROM THE FIREARM AFTER A SHOT, AND TO LOAD AND FIRE THE
13 NEXT CARTRIDGE FROM THE MAGAZINE, WITHOUT RENEWED PRESSURE ON THE
14 TRIGGER FOR EACH SUCCESSIVE SHOT.

15 (B) "PISTOL", "RIFLE", OR "SHOTGUN" INCLUDES A REVOLVER,
16 SEMI-AUTOMATIC PISTOL, RIFLE, SHOTGUN, COMBINATION RIFLE AND
17 SHOTGUN, OR OTHER FIREARM MANUFACTURED IN OR AFTER 1898 THAT
18 FIRES FIXED AMMUNITION, BUT DOES NOT INCLUDE A FULLY AUTOMATIC
19 WEAPON OR SHORT-BARRELED SHOTGUN OR SHORT-BARRELED RIFLE.

20 (C) "INCENDIARY DEVICE" INCLUDES GASOLINE OR ANY OTHER FLAM-
21 MABLE SUBSTANCE, A BLOWTORCH, FIRE BOMB, MOLOTOV COCKTAIL, OR
22 OTHER SIMILAR DEVICE.

23 SEC. 33. (1) OFFENSE VARIABLE 3 IS PHYSICAL INJURY TO A
24 VICTIM. SCORE OFFENSE VARIABLE 3 BY DETERMINING WHICH OF THE
25 FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUT-
26 ABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

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- 1 (A) A VICTIM WAS KILLED..... 100 POINTS
2 (B) LIFE THREATENING OR PERMANENT INCAPACITATING
3 INJURY OCCURRED TO A VICTIM..... 25 POINTS
4 (C) BODILY INJURY REQUIRING MEDICAL TREATMENT
5 OCCURRED TO A VICTIM..... 10 POINTS
6 (D) BODILY INJURY NOT REQUIRING MEDICAL TREATMENT
7 OCCURRED TO A VICTIM..... 5 POINTS
8 (E) NO PHYSICAL INJURY OCCURRED TO A VICTIM..... 0 POINTS
9 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
10 3:
11 (A) IN MULTIPLE OFFENDER CASES, IF 1 OFFENDER IS ASSESSED
12 POINTS FOR DEATH OR PHYSICAL INJURY, ALL OFFENDERS SHALL BE
13 ASSESSED THE SAME NUMBER OF POINTS.
14 (B) SCORE 100 POINTS IF DEATH RESULTS FROM THE COMMISSION OF
15 A CRIME AND HOMICIDE IS NOT THE SENTENCING OFFENSE.
16 (C) DO NOT SCORE 5 POINTS IF BODILY INJURY IS AN ELEMENT OF
17 THE SENTENCING OFFENSE.
18 (3) AS USED IN THIS SECTION, "REQUIRING MEDICAL TREATMENT"
19 REFERS TO THE NECESSITY FOR TREATMENT AND NOT THE VICTIM'S SUC-
20 CESS IN OBTAINING TREATMENT.
21 SEC. 34. (1) OFFENSE VARIABLE 4 IS PSYCHOLOGICAL INJURY TO
22 A VICTIM. SCORE OFFENSE VARIABLE 4 BY DETERMINING WHICH OF THE
23 FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUT-
24 ABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:
25 (A) SERIOUS PSYCHOLOGICAL INJURY REQUIRING PRO-
26 FESSIONAL TREATMENT OCCURRED TO A VICTIM..... 10 POINTS

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1 (B) NO SERIOUS PSYCHOLOGICAL INJURY REQUIRING
2 PROFESSIONAL TREATMENT OCCURRED TO A VICTIM..... 0 POINTS

3 (2) SCORE 10 POINTS IF THE SERIOUS PSYCHOLOGICAL INJURY MAY
4 REQUIRE PROFESSIONAL TREATMENT. IN MAKING THIS DETERMINATION,
5 THE FACT THAT TREATMENT HAS NOT BEEN SOUGHT IS NOT CONCLUSIVE.

6 SEC. 35. (1) OFFENSE VARIABLE 5 IS PSYCHOLOGICAL INJURY TO
7 A MEMBER OF A VICTIM'S FAMILY. SCORE OFFENSE VARIABLE 5 BY
8 DETERMINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE
9 NUMBER OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST
10 NUMBER OF POINTS:

11 (A) SERIOUS PSYCHOLOGICAL INJURY REQUIRING PRO-
12 FESSIONAL TREATMENT OCCURRED TO A HOMICIDE VICTIM'S
13 FAMILY..... 15 POINTS

14 (B) NO SERIOUS PSYCHOLOGICAL INJURY REQUIRING
15 PROFESSIONAL TREATMENT OCCURRED TO A HOMICIDE VICTIM'S
16 FAMILY..... 0 POINTS

17 (2) SCORE 15 POINTS IF THE SERIOUS PSYCHOLOGICAL INJURY TO
18 THE VICTIM'S FAMILY MAY REQUIRE PROFESSIONAL TREATMENT. IN
19 MAKING THIS DETERMINATION, THE FACT THAT TREATMENT HAS NOT BEEN
20 SOUGHT IS NOT CONCLUSIVE.

21 SEC. 36. (1) OFFENSE VARIABLE 6 IS THE OFFENDER'S INTENT TO
22 KILL OR INJURE ANOTHER INDIVIDUAL. SCORE OFFENSE VARIABLE 6 BY
23 DETERMINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE
24 NUMBER OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST
25 NUMBER OF POINTS:

26 (A) THE OFFENDER HAD PREMEDITATED INTENT TO KILL
27 OR THE KILLING WAS COMMITTED WHILE COMMITTING OR

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1 ATTEMPTING TO COMMIT ARSON, CRIMINAL SEXUAL CONDUCT IN
2 THE FIRST OR THIRD DEGREE, CHILD ABUSE IN THE FIRST
3 DEGREE, A MAJOR CONTROLLED SUBSTANCE OFFENSE, ROBBERY,
4 BREAKING AND ENTERING OF A DWELLING, HOME INVASION IN
5 THE FIRST OR SECOND DEGREE, LARCENY OF ANY KIND,
6 EXTORTION, OR KIDNAPPING OR THE KILLING WAS THE MURDER
7 OF A PEACE OFFICER OR A CORRECTIONS OFFICER..... 50 POINTS

8 (B) THE OFFENDER HAD UNPREMEDITATED INTENT TO
9 KILL, THE INTENT TO DO GREAT BODILY HARM, OR CREATED A
10 VERY HIGH RISK OF DEATH OR GREAT BODILY HARM KNOWING
11 THAT DEATH OR GREAT BODILY HARM WAS THE PROBABLE
12 RESULT..... 25 POINTS

13 (C) THE OFFENDER HAD INTENT TO INJURE OR THE KIL-
14 LING WAS COMMITTED IN AN EXTREME EMOTIONAL STATE
15 CAUSED BY AN ADEQUATE PROVOCATION AND BEFORE A REASON-
16 ABLE AMOUNT OF TIME ELAPSED FOR THE OFFENDER TO CALM
17 OR THERE WAS GROSS NEGLIGENCE AMOUNTING TO AN UNREA-
18 SONABLE DISREGARD FOR LIFE..... 10 POINTS

19 (D) THE OFFENDER HAD NO INTENT TO KILL OR INJURE. 0 POINTS

20 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
21 6.

22 (A) THE SENTENCING JUDGE SHALL SCORE THIS VARIABLE CONSIS-
23 TENT WITH A JURY VERDICT UNLESS THE JUDGE HAS INFORMATION THAT
24 WAS NOT PRESENTED TO THE JURY.

25 (B) SCORE 10 POINTS IF A KILLING IS INTENTIONAL WITHIN THE
26 DEFINITION OF SECOND DEGREE MURDER OR VOLUNTARY MANSLAUGHTER, BUT

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1 THE DEATH OCCURRED IN A COMBATIVE SITUATION OR IN RESPONSE TO
2 VICTIMIZATION OF THE OFFENDER BY THE DECEDENT.

3 SEC. 37. (1) OFFENSE VARIABLE 7 IS AGGRAVATED PHYSICAL
4 ABUSE. SCORE OFFENSE VARIABLE 7 BY DETERMINING WHICH OF THE FOL-
5 LOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUTABLE
6 TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

7 (A) A VICTIM WAS TREATED WITH TERRORISM, SADISM,
8 TORTURE, OR EXCESSIVE BRUTALITY..... 50 POINTS

9 (B) NO VICTIM WAS TREATED WITH TERRORISM, SADISM,
10 TORTURE, OR EXCESSIVE BRUTALITY..... 0 POINTS

11 (2) AS USED IN THIS SECTION:

12 (A) "TERRORISM" MEANS CONDUCT DESIGNED TO SUBSTANTIALLY
13 INCREASE THE FEAR AND ANXIETY A VICTIM SUFFERS DURING THE
14 OFFENSE.

15 (B) "SADISM" MEANS CONDUCT THAT SUBJECTS A VICTIM TO EXTREME
16 OR PROLONGED PAIN OR HUMILIATION AND IS INFLICTED TO PRODUCE SUF-
17 FERING OR FOR THE OFFENDER'S GRATIFICATION.

18 SEC. 38. (1) OFFENSE VARIABLE 8 IS VICTIM ASPORTATION OR
19 CAPTIVITY. SCORE OFFENSE VARIABLE 8 BY DETERMINING WHICH OF THE
20 FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUT-
21 ABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

22 (A) A VICTIM WAS ASPORTED TO ANOTHER PLACE OF
23 GREATER DANGER OR TO A SITUATION OF GREATER DANGER OR
24 WAS HELD CAPTIVE BEYOND THE TIME NECESSARY TO COMMIT
25 THE OFFENSE..... 15 POINTS

26 (B) NO VICTIM WAS ASPORTED OR HELD CAPTIVE..... 0 POINTS

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1 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE

2 8:

3 (A) COUNT EACH PERSON WHO WAS PLACED IN DANGER OF INJURY OR
4 LOSS OF LIFE AS A VICTIM.

5 (B) SCORE 0 POINTS IF THE SENTENCING OFFENSE IS KIDNAPPING.

6 SEC. 39. (1) OFFENSE VARIABLE 9 IS NUMBER OF VICTIMS.

7 SCORE OFFENSE VARIABLE 9 BY DETERMINING WHICH OF THE FOLLOWING

8 APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUTABLE TO THE

9 ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

10 (A) MULTIPLE DEATHS OCCURRED..... 100 POINTS

11 (B) THERE WERE 10 OR MORE VICTIMS..... 25 POINTS

12 (C) THERE WERE 2 TO 9 VICTIMS..... 10 POINTS

13 (D) THERE WERE FEWER THAN 2 VICTIMS..... 0 POINTS

14 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE

15 9:

16 (A) COUNT EACH PERSON WHO WAS PLACED IN DANGER OF INJURY OR
17 LOSS OF LIFE AS A VICTIM.

18 (B) SCORE 100 POINTS ONLY IN HOMICIDE CASES.

19 SEC. 40. (1) OFFENSE VARIABLE 10 IS EXPLOITATION OF A VUL-

20 NERABLE VICTIM. SCORE OFFENSE VARIABLE 10 BY DETERMINING WHICH

21 OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS

22 ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

23 (A) PREDATORY CONDUCT WAS INVOLVED..... 15 POINTS

24 (B) THE OFFENDER EXPLOITED A VICTIM'S PHYSICAL

25 DISABILITY, MENTAL DISABILITY, YOUTH OR AGEDNESS, OR A

26 DOMESTIC RELATIONSHIP, OR THE OFFENDER ABUSED HIS OR

27 HER AUTHORITY STATUS..... 10 POINTS

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1 (C) THE OFFENDER EXPLOITED A VICTIM BY HIS OR HER
2 DIFFERENCE IN SIZE OR STRENGTH, OR BOTH, OR EXPLOITED
3 A VICTIM WHO WAS INTOXICATED, UNDER THE INFLUENCE OF
4 DRUGS, ASLEEP, OR UNCONSCIOUS..... 5 POINTS

5 (D) THE OFFENDER DID NOT EXPLOIT A VICTIM'S
6 VULNERABILITY..... 0 POINTS

7 (2) THE MERE EXISTENCE OF 1 OR MORE FACTORS DESCRIBED IN
8 SUBSECTION (1) DOES NOT AUTOMATICALLY EQUATE WITH VICTIM
9 VULNERABILITY.

10 (3) AS USED IN THIS SECTION:

11 (A) "PREDATORY CONDUCT" MEANS PREEFFENSE CONDUCT DIRECTED AT
12 A VICTIM FOR THE PRIMARY PURPOSE OF VICTIMIZATION.

13 (B) "EXPLOIT" MEANS TO MANIPULATE A VICTIM FOR SELFISH OR
14 UNETHICAL PURPOSES.

15 (C) "VULNERABILITY" MEANS THE READILY APPARENT SUSCEPTIBIL-
16 ITY OF A VICTIM TO INJURY, PHYSICAL RESTRAINT, PERSUASION, OR
17 TEMPTATION.

18 (D) "ABUSE OF AUTHORITY STATUS" MEANS A VICTIM WAS EXPLOITED
19 OUT OF FEAR OR DEFERENCE TO AN AUTHORITY FIGURE, INCLUDING, BUT
20 NOT LIMITED TO, A PARENT, PHYSICIAN, OR TEACHER.

21 SEC. 41. (1) OFFENSE VARIABLE 11 IS CRIMINAL SEXUAL
22 PENETRATION. SCORE OFFENSE VARIABLE 11 BY DETERMINING WHICH OF
23 THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIB-
24 UTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

25 (A) TWO OR MORE CRIMINAL SEXUAL PENETRATIONS
26 OCCURRED..... 50 POINTS

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- 1 (B) ONE CRIMINAL SEXUAL PENETRATION OCCURRED..... 25 POINTS
- 2 (C) NO CRIMINAL SEXUAL PENETRATION OCCURRED..... 0 POINTS
- 3 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
- 4 11:
- 5 (A) SCORE ALL SEXUAL PENETRATIONS OF THE VICTIM BY THE
- 6 OFFENDER ARISING OUT OF THE SENTENCING OFFENSE.
- 7 (B) MULTIPLE SEXUAL PENETRATIONS OF THE VICTIM BY THE
- 8 OFFENDER EXTENDING BEYOND THE SENTENCING OFFENSE MAY BE SCORED IN
- 9 OFFENSE VARIABLES 12 OR 13.
- 10 (C) DO NOT SCORE POINTS FOR THE 1 PENETRATION THAT FORMS THE
- 11 BASIS OF A FIRST- OR THIRD-DEGREE CRIMINAL SEXUAL CONDUCT
- 12 OFFENSE.
- 13 SEC. 42. (1) OFFENSE VARIABLE 12 IS CONTEMPORANEOUS FELONI-
- 14 OUS CRIMINAL ACTS. SCORE OFFENSE VARIABLE 12 BY DETERMINING
- 15 WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF
- 16 POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
- 17 POINTS:
- 18 (A) THREE OR MORE CONTEMPORANEOUS FELONIOUS CRIM-
- 19 INAL ACTS INVOLVING CRIMES AGAINST A PERSON WERE
- 20 COMMITTED..... 25 POINTS
- 21 (B) TWO CONTEMPORANEOUS FELONIOUS CRIMINAL ACTS
- 22 INVOLVING CRIMES AGAINST A PERSON WERE COMMITTED..... 10 POINTS
- 23 (C) THREE OR MORE CONTEMPORANEOUS FELONIOUS CRIM-
- 24 INAL ACTS INVOLVING OTHER CRIMES WERE COMMITTED..... 10 POINTS
- 25 (D) ONE CONTEMPORANEOUS FELONIOUS CRIMINAL ACT
- 26 INVOLVING A CRIME AGAINST A PERSON WAS COMMITTED..... 5 POINTS

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- 1 (E) TWO CONTEMPORANEOUS FELONIOUS CRIMINAL ACTS
2 INVOLVING OTHER CRIMES WERE COMMITTED..... 5 POINTS
3 (F) ONE CONTEMPORANEOUS FELONIOUS CRIMINAL ACT
4 INVOLVING ANY OTHER CRIME WAS COMMITTED..... 1 POINT
5 (G) NO CONTEMPORANEOUS FELONIOUS CRIMINAL ACTS
6 WERE COMMITTED..... 0 POINTS
7 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
8 12:
9 (A) A FELONIOUS CRIMINAL ACT IS CONTEMPORANEOUS IF BOTH OF
10 THE FOLLOWING CIRCUMSTANCES EXIST:
11 (i) THE ACT OCCURRED WITHIN 24 HOURS OF THE SENTENCING
12 OFFENSE.
13 (ii) THE ACT HAS NOT AND WILL NOT RESULT IN A SEPARATE
14 CONVICTION.
15 (B) A VIOLATION OF SECTION 227B OF THE MICHIGAN PENAL CODE,
16 1931 PA 328, MCL 750.227B, SHOULD NOT BE CONSIDERED FOR SCORING
17 THIS VARIABLE.
18 (C) DO NOT SCORE CONDUCT SCORED IN OFFENSE VARIABLE 11.
19 SEC. 43. (1) OFFENSE VARIABLE 13 IS CONTINUING PATTERN OF
20 CRIMINAL BEHAVIOR. SCORE OFFENSE VARIABLE 13 BY DETERMINING
21 WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF
22 POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
23 POINTS:
24 (A) THE OFFENSE WAS PART OF A PATTERN OF FELONI-
25 OUS CRIMINAL ACTIVITY INVOLVING 3 OR MORE CRIMES
26 AGAINST A PERSON..... 25 POINTS

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1 (B) THE OFFENSE WAS PART OF A PATTERN OF
2 FELONIOUS CRIMINAL ACTIVITY INVOLVING A COMBINATION OF
3 3 OR MORE CRIMES AGAINST A PERSON OR PROPERTY..... 10 POINTS

4 (C) THE OFFENSE WAS PART OF A PATTERN OF FELONI-
5 OUS CRIMINAL ACTIVITY DIRECTLY RELATED TO MEMBERSHIP
6 IN AN ORGANIZED CRIMINAL GROUP..... 10 POINTS

7 (D) THE OFFENSE WAS PART OF A PATTERN OF FELONI-
8 OUS CRIMINAL ACTIVITY INVOLVING 3 OR MORE CRIMES
9 AGAINST PROPERTY..... 25 POINTS

10 (E) NO PATTERN OF FELONIOUS CRIMINAL ACTIVITY
11 EXISTED..... 0 POINTS

12 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
13 13:

14 (A) FOR DETERMINING THE APPROPRIATE POINTS UNDER THIS VARI-
15 ABLE, ALL CRIMES WITHIN A 5-YEAR PERIOD, INCLUDING THE SENTENCING
16 OFFENSE, SHALL BE COUNTED REGARDLESS OF WHETHER THE OFFENSE
17 RESULTED IN A CONVICTION.

18 (B) THE PRESENCE OR ABSENCE OF MULTIPLE OFFENDERS, THE AGE
19 OF THE OFFENDERS, OR THE DEGREE OF SOPHISTICATION OF THE ORGA-
20 NIZED CRIMINAL GROUP IS NOT AS IMPORTANT AS THE FACT OF THE
21 GROUP'S EXISTENCE, WHICH MAY BE REASONABLY INFERRED FROM THE
22 FACTS SURROUNDING THE SENTENCING OFFENSE.

23 (C) EXCEPT FOR OFFENSES RELATED TO MEMBERSHIP IN AN ORGA-
24 NIZED CRIMINAL GROUP, DO NOT SCORE CONDUCT SCORED IN OFFENSE
25 VARIABLE 11 OR 12.

26 SEC. 44. (1) OFFENSE VARIABLE 14 IS THE OFFENDER'S ROLE.
27 SCORE OFFENSE VARIABLE 14 BY DETERMINING WHICH OF THE FOLLOWING

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1 APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUTABLE TO THE
2 ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

3 (A) THE OFFENDER WAS A LEADER IN A MULTIPLE
4 OFFENDER SITUATION..... 10 POINTS

5 (B) THE OFFENDER WAS NOT A LEADER IN A MULTIPLE
6 OFFENDER SITUATION..... 0 POINTS

7 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
8 14:

9 (A) THE ENTIRE CRIMINAL TRANSACTION SHOULD BE CONSIDERED
10 WHEN SCORING THIS VARIABLE.

11 (B) IF 3 OR MORE OFFENDERS WERE INVOLVED, MORE THAN 1
12 OFFENDER MAY BE DETERMINED TO HAVE BEEN A LEADER.

13 SEC. 45. (1) OFFENSE VARIABLE 15 IS AGGRAVATED CONTROLLED
14 SUBSTANCE OFFENSES. SCORE OFFENSE VARIABLE 15 BY DETERMINING
15 WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF
16 POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
17 POINTS:

18 (A) THE OFFENSE INVOLVED THE SALE OR DELIVERY OF
19 A CONTROLLED SUBSTANCE OTHER THAN MARIHUANA OR A MIX-
20 TURE CONTAINING A CONTROLLED SUBSTANCE OTHER THAN MAR-
21 IHUANA BY THE OFFENDER WHO WAS 18 YEARS OF AGE OR
22 OLDER TO A MINOR WHO WAS 3 OR MORE YEARS YOUNGER THAN
23 THE OFFENDER..... 25 POINTS

24 (B) THE OFFENSE INVOLVED THE SALE, DELIVERY, OR
25 POSSESSION WITH INTENT TO SELL OR DELIVER 225 GRAMS OR
26 MORE OF A CONTROLLED SUBSTANCE CLASSIFIED IN SCHEDULE

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- 1 1 OR 2 OR A MIXTURE CONTAINING A CONTROLLED SUBSTANCE
2 CLASSIFIED IN SCHEDULE 1 OR 2..... 20 POINTS
3 (C) THE OFFENSE INVOLVED THE SALE, DELIVERY, OR
4 POSSESSION WITH INTENT TO SELL OR DELIVER 50 OR MORE
5 GRAMS BUT LESS THAN 225 GRAMS OF A CONTROLLED SUB-
6 STANCE CLASSIFIED IN SCHEDULE 1 OR 2, OR A MIXTURE
7 CONTAINING A CONTROLLED SUBSTANCE CLASSIFIED IN SCHED-
8 ULE 1 OR 2..... 15 POINTS
9 (D) THE OFFENSE INVOLVED THE SALE, DELIVERY, OR
10 POSSESSION WITH INTENT TO SELL OR DELIVER 45 KILOGRAMS
11 OR MORE OF MARIHUANA OR 200 OR MORE OF MARIHUANA
12 PLANTS..... 10 POINTS
13 (E) THE OFFENSE INVOLVED THE DELIVERY OR POSSES-
14 SION WITH INTENT TO DELIVER MARIHUANA OR ANY OTHER
15 CONTROLLED SUBSTANCE OR A COUNTERFEIT CONTROLLED SUB-
16 STANCE OR POSSESSION OF CONTROLLED SUBSTANCES OR COUN-
17 TERFEIT CONTROLLED SUBSTANCES HAVING A VALUE OR UNDER
18 SUCH CIRCUMSTANCES AS TO INDICATE TRAFFICKING..... 5 POINTS
19 (F) THE OFFENSE WAS NOT AN OFFENSE DESCRIBED IN
20 SUBDIVISION (A) THROUGH (E)..... 0 POINTS
21 (2) AS USED IN THIS SECTION:
22 (A) "DELIVER" MEANS THE ACTUAL OR CONSTRUCTIVE TRANSFER OF A
23 CONTROLLED SUBSTANCE FROM 1 INDIVIDUAL TO ANOTHER REGARDLESS OF
24 REMUNERATION.
25 (B) "MINOR" MEANS AN INDIVIDUAL 17 YEARS OF AGE OR LESS.

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1 (C) "TRAFFICKING" MEANS THE SALE OR DELIVERY OF CONTROLLED
2 SUBSTANCES OR COUNTERFEIT CONTROLLED SUBSTANCES ON A CONTINUING
3 BASIS TO 1 OR MORE OTHER INDIVIDUALS FOR FURTHER DISTRIBUTION.

4 SEC. 46. (1) OFFENSE VARIABLE 16 IS PROPERTY OBTAINED, DAM-
5 AGED, LOST, OR DESTROYED. SCORE OFFENSE VARIABLE 16 BY DETERMIN-
6 ING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF
7 POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
8 POINTS:

9 (A) WANTON OR MALICIOUS DAMAGE OCCURRED BEYOND
10 THAT NECESSARY TO COMMIT THE CRIME FOR WHICH THE
11 OFFENDER IS NOT CHARGED AND WILL NOT BE CHARGED..... 10 POINTS

12 (B) THE PROPERTY HAD A VALUE OF MORE THAN
13 \$20,000.00 OR HAD SIGNIFICANT HISTORICAL, SOCIAL, OR
14 SENTIMENTAL VALUE..... 10 POINTS

15 (C) THE PROPERTY DESTROYED HAD A VALUE OF
16 \$1,000.00 OR MORE BUT NOT MORE THAN \$20,000.00..... 5 POINTS

17 (D) THE PROPERTY DESTROYED HAD A VALUE OF \$200.00
18 OR MORE BUT NOT MORE THAN \$1,000.00..... 1 POINT

19 (E) NO PROPERTY WAS OBTAINED, DAMAGED, LOST, OR
20 DESTROYED OR THE PROPERTY HAD A VALUE OF LESS THAN
21 \$200.00..... 0 POINTS

22 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
23 16:

24 (A) IN MULTIPLE OFFENDER OR VICTIM CASES, THE APPROPRIATE
25 POINTS MAY BE DETERMINED BY ADDING TOGETHER THE AGGREGATE VALUE
26 OF THE PROPERTY INVOLVED, INCLUDING PROPERTY INVOLVED IN
27 UNCHARGED OFFENSES OR CHARGES DISMISSED UNDER A PLEA AGREEMENT.

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1 (B) IN CASES IN WHICH THE PROPERTY WAS OBTAINED UNLAWFULLY,
2 LOST TO THE LAWFUL OWNER, OR DESTROYED, USE THE VALUE OF THE
3 PROPERTY IN SCORING THIS VARIABLE. IF THE PROPERTY WAS DAMAGED,
4 USE THE MONETARY AMOUNT APPROPRIATE TO RESTORE THE PROPERTY TO
5 PRE-OFFENSE CONDITION IN SCORING THIS VARIABLE.

6 (C) THE AMOUNT OF MONEY OR PROPERTY INVOLVED IN ADMITTED BUT
7 UNCHARGED OFFENSES OR IN CHARGES THAT HAVE BEEN DISMISSED UNDER A
8 PLEA AGREEMENT MAY BE CONSIDERED.

9 SEC. 47. (1) OFFENSE VARIABLE 17 IS DEGREE OF NEGLIGENCE
10 EXHIBITED. SCORE OFFENSE VARIABLE 17 BY DETERMINING WHICH OF THE
11 FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUT-
12 ABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

13 (A) THE OFFENDER SHOWED A WANTON OR RECKLESS DIS-
14 REGARD FOR THE LIFE OR PROPERTY OF ANOTHER PERSON..... 10 POINTS

15 (B) THE OFFENDER FAILED TO SHOW THE DEGREE OF
16 CARE THAT A PERSON OF ORDINARY PRUDENCE IN A SIMILAR
17 SITUATION WOULD HAVE SHOWN..... 5 POINTS

18 (C) THE OFFENDER WAS NOT NEGLIGENT..... 0 POINTS

19 (2) DO NOT SCORE 10 POINTS IF POINTS ARE GIVEN IN OFFENSE
20 VARIABLE 6.

21 SEC. 48. (1) OFFENSE VARIABLE 18 IS OPERATOR ABILITY
22 AFFECTED BY ALCOHOL OR DRUGS. SCORE OFFENSE VARIABLE 18 BY
23 DETERMINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE
24 NUMBER OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST
25 NUMBER OF POINTS:

26 (A) THE OFFENDER OPERATED A VEHICLE WHEN HIS OR
27 HER BODILY ALCOHOL CONTENT WAS 0.20 GRAMS OR MORE PER

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1 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR
2 PER 67 MILLILITERS OF URINE..... 20 POINTS
3 (B) THE OFFENDER OPERATED A VEHICLE WHEN HIS OR
4 HER BODILY ALCOHOL CONTENT WAS 0.15 GRAMS OR MORE BUT
5 LESS THAN 0.20 GRAMS PER 100 MILLILITERS OF BLOOD, PER
6 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE.. 15 POINTS
7 (C) THE OFFENDER OPERATED A VEHICLE WHEN HIS OR
8 HER BODILY ALCOHOL CONTENT WAS 0.10 GRAMS OR MORE BUT
9 LESS THAN 0.15 GRAMS PER 100 MILLILITERS OF BLOOD, PER
10 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE,
11 OR WHILE HE OR SHE WAS UNDER THE INFLUENCE OF INTOXI-
12 CATING LIQUOR OR A CONTROLLED SUBSTANCE OR A COMBINA-
13 TION OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE 10 POINTS
14 (D) THE OFFENDER OPERATED A VEHICLE WHEN HIS OR
15 HER BODILY ALCOHOL CONTENT WAS 0.07 GRAMS OR MORE BUT
16 LESS THAN 0.10 GRAMS PER 100 MILLILITERS OF BLOOD, PER
17 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE,
18 OR WHILE HE OR SHE WAS VISIBLY IMPAIRED BY THE USE OF
19 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE OR A
20 COMBINATION OF INTOXICATING LIQUOR OR A CONTROLLED
21 SUBSTANCE, OR WAS LESS THAN 21 YEAR OF AGE AND HAD ANY
22 BODILY ALCOHOL CONTENT..... 5 POINTS
23 (E) THE OFFENDER'S ABILITY TO OPERATE A VEHICLE
24 WAS NOT AFFECTED BY AN INTOXICATING LIQUOR OR A CON-
25 TROLLED SUBSTANCE OR A COMBINATION OF INTOXICATING
26 LIQUOR AND A CONTROLLED SUBSTANCE..... 0 POINTS

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1 (2) AS USED IN THIS SECTION, "ANY BODILY ALCOHOL CONTENT"
2 MEANS EITHER OF THE FOLLOWING:

3 (A) AN ALCOHOL CONTENT OF NOT LESS THAN 0.02 GRAMS OR MORE
4 THAN 0.07 GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF
5 BREATH, OR PER 67 MILLILITERS OF URINE.

6 (B) ANY PRESENCE OF ALCOHOL WITHIN AN INDIVIDUAL'S BODY
7 RESULTING FROM THE CONSUMPTION OF INTOXICATING LIQUOR OTHER THAN
8 THE CONSUMPTION OF INTOXICATING LIQUOR AS PART OF A GENERALLY
9 RECOGNIZED RELIGIOUS SERVICE OR CEREMONY.

10 SEC. 49. OFFENSE VARIABLE 19 IS THREAT TO THE SECURITY OF A
11 PENAL INSTITUTION OR COURT OR INTERFERENCE WITH THE ADMINISTRA-
12 TION OF JUSTICE. SCORE OFFENSE VARIABLE 19 BY DETERMINING WHICH
13 OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS
14 ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

15 (A) THE OFFENDER BY HIS OR HER CONDUCT THREATENED
16 THE SECURITY OF A PENAL INSTITUTION OR COURT..... 25 POINTS

17 (B) THE OFFENDER USED FORCE OR THE THREAT OF
18 FORCE AGAINST ANOTHER PERSON OR THE PROPERTY OF
19 ANOTHER PERSON TO INTERFERE WITH OR ATTEMPT TO INTER-
20 FERE WITH THE ADMINISTRATION OF JUSTICE..... 15 POINTS

21 (C) THE OFFENDER OTHERWISE INTERFERED WITH OR
22 ATTEMPTED TO INTERFERE WITH THE ADMINISTRATION OF
23 JUSTICE..... 10 POINTS

24 (D) THE OFFENDER DID NOT THREATEN THE SECURITY OF
25 A PENAL INSTITUTION OR COURT OR INTERFERE WITH OR
26 ATTEMPT TO INTERFERE WITH THE ADMINISTRATION OF
27 JUSTICE..... 0 POINTS

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1

PART 5

2

PRIOR RECORD VARIABLES

3

SEC. 50. (1) IN SCORING PRIOR RECORD VARIABLES 1 TO 5, DO

4

NOT USE ANY CONVICTION OR JUVENILE ADJUDICATION THAT PRECEDES A

5

PERIOD OF 10 OR MORE YEARS BETWEEN THE DISCHARGE DATE FROM A CON-

6

VICTION OR JUVENILE ADJUDICATION AND THE DEFENDANT'S COMMISSION

7

OF THE NEXT OFFENSE RESULTING IN A CONVICTION OR JUVENILE

8

ADJUDICATION.

9

(2) APPLY SUBSECTION (1) BY DETERMINING THE TIME BETWEEN THE

10

DISCHARGE DATE FOR THE PRIOR CONVICTION OR JUVENILE ADJUDICATION

11

MOST RECENTLY PRECEDING THE COMMISSION DATE OF THE SENTENCING

12

OFFENSE. IF IT IS 10 OR MORE YEARS, DO NOT USE THAT PRIOR CON-

13

VICTION OR JUVENILE ADJUDICATION AND ANY EARLIER CONVICTION OR

14

JUVENILE ADJUDICATION IN SCORING PRIOR RECORD VARIABLES. IF IT

15

IS LESS THAN 10 YEARS, USE THAT PRIOR CONVICTION OR JUVENILE

16

ADJUDICATION IN SCORING PRIOR RECORD VARIABLES AND DETERMINE THE

17

TIME BETWEEN THE COMMISSION DATE OF THAT PRIOR CONVICTION AND THE

18

DISCHARGE DATE OF THE NEXT EARLIER PRIOR CONVICTION OR JUVENILE

19

ADJUDICATION. IF THAT PERIOD IS 10 OR MORE YEARS, DO NOT USE

20

THAT PRIOR CONVICTION OR JUVENILE ADJUDICATION AND ANY EARLIER

21

CONVICTION OR JUVENILE ADJUDICATION IN SCORING PRIOR RECORD

22

VARIABLES. IF IT IS LESS THAN 10 YEARS, USE THAT PRIOR CONVIC-

23

TION OR JUVENILE ADJUDICATION IN SCORING PRIOR RECORD VARIABLES

24

AND REPEAT THIS DETERMINATION FOR EACH REMAINING PRIOR CONVICTION

25

OR JUVENILE ADJUDICATION UNTIL A PERIOD OF 10 OR MORE YEARS IS

26

FOUND OR NO PRIOR CONVICTIONS OR JUVENILE ADJUDICATIONS REMAIN.

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1 (3) IF A DISCHARGE DATE IS NOT AVAILABLE, ADD EITHER THE
2 TIME DEFENDANT WAS SENTENCED TO PROBATION OR THE LENGTH OF THE
3 MINIMUM INCARCERATION TERM TO THE DATE OF THE CONVICTION AND USE
4 THAT DATE AS THE DISCHARGE DATE.

5 (4) AS USED IN THIS PART:

6 (A) "CONVICTION" INCLUDES ANY OF THE FOLLOWING:

7 (i) ASSIGNMENT TO YOUTHFUL TRAINEE STATUS UNDER SECTIONS 11
8 TO 15 OF CHAPTER II.

9 (ii) A CONVICTION SET ASIDE UNDER 1965 PA 213, MCL 780.621
10 TO 780.624.

11 (B) "DISCHARGE DATE" MEANS THE DATE AN INDIVIDUAL IS DIS-
12 CHARGED FROM THE JURISDICTION OF THE COURT OR THE DEPARTMENT OF
13 CORRECTIONS AFTER BEING CONVICTED OF OR ADJUDICATED RESPONSIBLE
14 FOR A CRIME OR AN ACT THAT WOULD BE A CRIME IF COMMITTED BY AN
15 ADULT.

16 (C) "JUVENILE ADJUDICATION" INCLUDES AN ADJUDICATION SET
17 ASIDE UNDER SECTION 18E OF CHAPTER XIIIA OF 1939 PA 288, MCL
18 712A.18E, OR EXPUNGED.

19 SEC. 51. (1) PRIOR RECORD VARIABLE 1 IS PRIOR HIGH SEVERITY
20 FELONY CONVICTIONS. SCORE PRIOR RECORD VARIABLE 1 BY DETERMINING
21 WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF
22 POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
23 POINTS:

24 (A) THE OFFENDER HAS 3 OR MORE PRIOR HIGH SEVER-
25 ITY FELONY CONVICTIONS..... 75 POINTS

26 (B) THE OFFENDER HAS 2 PRIOR HIGH SEVERITY FELONY
27 CONVICTIONS..... 50 POINTS

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1 (C) THE OFFENDER HAS 1 PRIOR HIGH SEVERITY FELONY
2 CONVICTION..... 25 POINTS

3 (D) THE OFFENDER HAS NO PRIOR HIGH SEVERITY
4 FELONY CONVICTIONS..... 0 POINTS

5 (2) AS USED IN THIS SECTION, "PRIOR HIGH SEVERITY FELONY
6 CONVICTION" MEANS A CONVICTION FOR A CRIME LISTED IN OFFENSE
7 CLASS M2, A, B, C, OR D OR FOR A FELONY UNDER A LAW OF THE UNITED
8 STATES OR ANOTHER STATE CORRESPONDING TO A CRIME LISTED IN
9 OFFENSE CLASS M2, A, B, C, OR D, IF THE CONVICTION WAS ENTERED
10 BEFORE THE SENTENCING OFFENSE WAS COMMITTED.

11 SEC. 52. (1) PRIOR RECORD VARIABLE 2 IS PRIOR LOW SEVERITY
12 FELONY CONVICTIONS. SCORE PRIOR RECORD VARIABLE 2 BY DETERMINING
13 WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF
14 POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
15 POINTS:

16 (A) THE OFFENDER HAS 4 OR MORE PRIOR LOW SEVERITY
17 FELONY CONVICTIONS..... 30 POINTS

18 (B) THE OFFENDER HAS 3 PRIOR LOW SEVERITY FELONY
19 CONVICTIONS..... 20 POINTS

20 (C) THE OFFENDER HAS 2 PRIOR LOW SEVERITY FELONY
21 CONVICTIONS..... 10 POINTS

22 (D) THE OFFENDER HAS 1 PRIOR LOW SEVERITY FELONY
23 CONVICTION..... 5 POINTS

24 (E) THE OFFENDER HAS NO PRIOR LOW SEVERITY FELONY
25 CONVICTIONS..... 0 POINTS

26 (2) AS USED IN THIS SECTION, "PRIOR LOW SEVERITY FELONY
27 CONVICTION" MEANS A CONVICTION FOR A CRIME LISTED IN OFFENSE

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1 CLASS E, F, G, OR H OR FOR A FELONY UNDER A LAW OF THE UNITED
2 STATES OR ANOTHER STATE THAT CORRESPONDS TO A CRIME LISTED IN
3 OFFENSE CLASS E, F, G, OR H, IF THE CONVICTION WAS ENTERED BEFORE
4 THE SENTENCING OFFENSE WAS COMMITTED.

5 SEC. 53. (1) PRIOR RECORD VARIABLE 3 IS PRIOR HIGH SEVERITY
6 JUVENILE ADJUDICATIONS. SCORE PRIOR RECORD VARIABLE 3 BY DETER-
7 MINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER
8 OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
9 POINTS:

- 10 (A) THE OFFENDER HAS 3 OR MORE PRIOR HIGH SEVER-
11 ITY JUVENILE ADJUDICATIONS..... 50 POINTS
12 (B) THE OFFENDER HAS 2 PRIOR HIGH SEVERITY JUVE-
13 NILE ADJUDICATIONS..... 25 POINTS
14 (C) THE OFFENDER HAS 1 PRIOR HIGH SEVERITY JUVE-
15 NILE ADJUDICATION..... 10 POINTS
16 (D) THE OFFENDER HAS NO PRIOR HIGH SEVERITY JUVE-
17 NILE ADJUDICATIONS..... 0 POINTS

18 (2) AS USED IN THIS SECTION, "PRIOR HIGH SEVERITY JUVENILE
19 ADJUDICATION" MEANS A JUVENILE ADJUDICATION FOR CONDUCT THAT
20 WOULD BE A CRIME LISTED IN OFFENSE CLASS M2, A, B, C, OR D IF
21 COMMITTED BY AN ADULT OR FOR CONDUCT THAT WOULD BE A FELONY UNDER
22 A LAW OF THE UNITED STATES OR ANOTHER STATE CORRESPONDING TO A
23 CRIME LISTED IN OFFENSE CLASS M2, A, B, C, OR D IF COMMITTED BY
24 AN ADULT, IF THE ORDER OF DISPOSITION WAS ENTERED BEFORE THE SEN-
25 TENCING OFFENSE WAS COMMITTED.

26 SEC. 54. (1) PRIOR RECORD VARIABLE 4 IS PRIOR LOW SEVERITY
27 JUVENILE ADJUDICATIONS. SCORE PRIOR RECORD VARIABLE 4 BY

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1 DETERMINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE
2 NUMBER OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST
3 NUMBER OF POINTS:

4 (A) THE OFFENDER HAS 6 OR MORE PRIOR LOW SEVERITY
5 JUVENILE ADJUDICATIONS..... 20 POINTS

6 (B) THE OFFENDER HAS 4 OR 5 PRIOR LOW SEVERITY
7 JUVENILE ADJUDICATIONS..... 10 POINTS

8 (C) THE OFFENDER HAS 2 OR 3 PRIOR LOW SEVERITY
9 JUVENILE ADJUDICATIONS..... 5 POINTS

10 (D) THE OFFENDER HAS 1 PRIOR LOW SEVERITY JUVE-
11 NILE ADJUDICATION..... 2 POINTS

12 (F) THE OFFENDER HAS NO PRIOR LOW SEVERITY JUVE-
13 NILE ADJUDICATIONS..... 0 POINTS

14 (2) AS USED IN THIS SECTION, "PRIOR LOW SEVERITY JUVENILE
15 ADJUDICATION" MEANS A JUVENILE ADJUDICATION FOR CONDUCT THAT
16 WOULD BE A CRIME LISTED IN OFFENSE CLASS E, F, G, OR H IF COMMIT-
17 TED BY AN ADULT OR FOR CONDUCT THAT WOULD BE A FELONY UNDER A LAW
18 OF THE UNITED STATES OR ANOTHER STATE CORRESPONDING TO A CRIME
19 LISTED IN OFFENSE CLASS E, F, G, OR H IF COMMITTED BY AN ADULT,
20 IF THE ORDER OF DISPOSITION WAS ENTERED BEFORE THE SENTENCING
21 OFFENSE WAS COMMITTED.

22 SEC. 55. (1) PRIOR RECORD VARIABLE 5 IS PRIOR MISDEMEANOR
23 CONVICTIONS OR PRIOR MISDEMEANOR JUVENILE ADJUDICATIONS. SCORE
24 PRIOR RECORD VARIABLE 5 BY DETERMINING WHICH OF THE FOLLOWING
25 APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUTABLE TO THE
26 ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

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- 1 (A) THE OFFENDER HAS 7 OR MORE PRIOR MISDEMEANOR
2 CONVICTIONS OR PRIOR MISDEMEANOR JUVENILE
3 ADJUDICATIONS..... 20 POINTS
4 (B) THE OFFENDER HAS 5 OR 6 PRIOR MISDEMEANOR
5 CONVICTIONS OR PRIOR MISDEMEANOR JUVENILE
6 ADJUDICATIONS..... 15 POINTS
7 (C) THE OFFENDER HAS 3 OR 4 PRIOR MISDEMEANOR
8 CONVICTIONS OR PRIOR MISDEMEANOR JUVENILE
9 ADJUDICATIONS..... 10 POINTS
10 (D) THE OFFENDER HAS 2 PRIOR MISDEMEANOR CONVIC-
11 TIONS OR PRIOR MISDEMEANOR JUVENILE ADJUDICATIONS..... 5 POINTS
12 (E) THE OFFENDER HAS 1 PRIOR MISDEMEANOR CONVIC-
13 TION OR PRIOR MISDEMEANOR JUVENILE ADJUDICATION..... 2 POINTS
14 (F) THE OFFENDER HAS NO PRIOR MISDEMEANOR CONVIC-
15 TIONS OR PRIOR MISDEMEANOR JUVENILE ADJUDICATIONS..... 0 POINTS

16 (2) ALL OF THE FOLLOWING APPLY TO SCORING RECORD VARIABLE
17 5:

18 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), COUNT A PRIOR
19 MISDEMEANOR CONVICTION OR PRIOR MISDEMEANOR JUVENILE ADJUDICATION
20 ONLY IF IT IS A CRIME AGAINST A PERSON OR PROPERTY, A CONTROLLED
21 SUBSTANCE CRIME, OR A WEAPON OFFENSE ENUMERATED IN CHAPTER XXXVII
22 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.222 TO
23 750.239A. DO NOT COUNT A PRIOR CONVICTION USED TO ENHANCE THE
24 SENTENCING OFFENSE TO A FELONY.

25 (B) COUNT ALL PRIOR MISDEMEANOR CONVICTIONS AND PRIOR MISDE-
26 MEANOR JUVENILE ADJUDICATIONS FOR OPERATING A VEHICLE, VESSEL,
27 AIRCRAFT, OR LOCOMOTIVE WHILE UNDER THE INFLUENCE OF OR IMPAIRED

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1 BY ALCOHOL, A CONTROLLED SUBSTANCE, OR A COMBINATION OF ALCOHOL
2 AND A CONTROLLED SUBSTANCE. DO NOT COUNT A PRIOR CONVICTION USED
3 TO ENHANCE THE SENTENCING OFFENSE TO A FELONY.

4 (3) AS USED IN THIS SECTION:

5 (A) "PRIOR MISDEMEANOR CONVICTION" MEANS A CONVICTION FOR A
6 MISDEMEANOR UNDER A LAW OF THIS STATE, A POLITICAL SUBDIVISION OF
7 THIS STATE, ANOTHER STATE, A POLITICAL SUBDIVISION OF ANOTHER
8 STATE, OR THE UNITED STATES IF THE CONVICTION WAS ENTERED BEFORE
9 THE SENTENCING OFFENSE WAS COMMITTED.

10 (B) "PRIOR MISDEMEANOR JUVENILE ADJUDICATION" MEANS A JUVE-
11 NILE ADJUDICATION FOR CONDUCT THAT IF COMMITTED BY AN ADULT WOULD
12 BE A MISDEMEANOR UNDER A LAW OF THIS STATE, A POLITICAL SUBDIVI-
13 SION OF THIS STATE, ANOTHER STATE, A POLITICAL SUBDIVISION OF
14 ANOTHER STATE, OR THE UNITED STATES IF THE ORDER OF DISPOSITION
15 WAS ENTERED BEFORE THE SENTENCING OFFENSE WAS COMMITTED.

16 SEC. 56. (1) PRIOR RECORD VARIABLE 6 IS RELATIONSHIP TO THE
17 CRIMINAL JUSTICE SYSTEM. SCORE PRIOR RECORD VARIABLE 6 BY DETER-
18 MINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER
19 OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
20 POINTS:

21 (A) THE OFFENDER IS A PRISONER OF THE DEPARTMENT
22 OF CORRECTIONS OR SERVING A SENTENCE IN JAIL..... 20 POINTS

23 (B) THE OFFENDER IS INCARCERATED IN JAIL AWAITING
24 ADJUDICATION OR SENTENCING ON A CONVICTION OR PROBA-
25 TION VIOLATION..... 15 POINTS

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1 (C) THE OFFENDER IS ON PAROLE, PROBATION, OR
2 DELAYED SENTENCE STATUS OR ON BOND AWAITING
3 ADJUDICATION OR SENTENCING FOR A FELONY..... 10 POINTS
4 (D) THE OFFENDER IS ON PROBATION OR DELAYED SEN-
5 TENCE STATUS OR ON BOND AWAITING ADJUDICATION OR SEN-
6 TENCING FOR A MISDEMEANOR..... 5 POINTS
7 (E) THE OFFENDER HAS NO RELATIONSHIP TO THE CRIM-
8 INAL JUSTICE SYSTEM..... 0 POINTS
9 (2) SCORE THE APPROPRIATE POINTS UNDER THIS SECTION IF THE
10 OFFENDER IS INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM IN ANOTHER
11 STATE OR UNITED STATES.
12 (3) AS USED IN THIS SECTION:
13 (A) "DELAYED SENTENCE STATUS" INCLUDES, BUT IS NOT LIMITED
14 TO, AN INDIVIDUAL ASSIGNED OR DEFERRED UNDER ANY OF THE
15 FOLLOWING:
16 (i) SECTION 7411 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
17 333.7411.
18 (ii) SECTION 350A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
19 MCL 750.350A.
20 (iii) SECTIONS 11 TO 15 OF CHAPTER II.
21 (iv) SECTION 4A OF CHAPTER IX.
22 (B) "PRISONER OF THE DEPARTMENT OF CORRECTIONS OR SERVING A
23 SENTENCE IN JAIL" INCLUDES AN INDIVIDUAL WHO IS AN ESCAPEE.
24 SEC. 57. (1) PRIOR RECORD VARIABLE 7 IS SUBSEQUENT OR CON-
25 CURRENT FELONY CONVICTIONS. SCORE PRIOR RECORD VARIABLE 7 BY
26 DETERMINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE

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1 NUMBER OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST

2 NUMBER OF POINTS:

3 (A) THE OFFENDER HAS 2 OR MORE SUBSEQUENT OR CON-
4 CURRENT CONVICTIONS..... 20 POINTS

5 (B) THE OFFENDER HAS 1 SUBSEQUENT OR CONCURRENT
6 CONVICTION..... 10 POINTS

7 (C) THE OFFENDER HAS NO SUBSEQUENT OR CONCURRENT
8 CONVICTIONS..... 0 POINTS

9 (2) ALL OF THE FOLLOWING APPLY TO SCORING RECORD VARIABLE

10 7:

11 (A) SCORE THE APPROPRIATE POINT VALUE IF THE OFFENDER WAS
12 CONVICTED OF MULTIPLE FELONY COUNTS OR WAS CONVICTED OF A FELONY
13 AFTER THE SENTENCING OFFENSE WAS COMMITTED.

14 (B) DO NOT SCORE A FELONY FIREARM CONVICTION IN THIS
15 VARIABLE.

16 (C) DO NOT SCORE A CONCURRENT FELONY CONVICTION IF A CONSEC-
17 UTIVE SENTENCE WILL RESULT FROM THAT CONVICTION.

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PART 6

2

SENTENCING GRIDS

3

SEC. 61. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR

4 CLASS M2:

5

PRIOR RECORD VARIABLE LEVEL

6

A

B

C

D

E

F

7

0

1-9

10-24

25-49

50-74

75+

8

POINTS

POINTS

POINTS

POINTS

POINTS

POINTS

9

OFFENSE

10 VARIABLE

11 LEVEL

12

I

13

0-49

90-150

144-240

162-270

180-300

225-375

270-450

14

POINTS

OR LIFE

OR LIFE

OR LIFE

15

II

16

50-99

144-240

162-270

180-300

225-375

270-450

315-525

17

POINTS

OR LIFE

OR LIFE

OR LIFE

OR LIFE

18

III

19

100+

162-270

180-300

225-375

270-450

315-525

365-600

20

POINTS

OR LIFE

OR LIFE

OR LIFE

OR LIFE

OR LIFE

OR LIFE

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1 SEC. 62. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
2 CLASS A:

3		PRIOR RECORD VARIABLE LEVEL					
4		A	B	C	D	E	F
5		0	1-9	10-24	25-49	50-74	75+
6		POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-19	21-35	27-45	42-70	51-85	81-135	108-180
12	POINTS						
13	II						
14	20-39	27-45	42-70	51-85	81-135	108-180	126-210
15	POINTS						
16	III						
17	40-59	42-70	51-85	81-135	108-180	126-210	135-225
18	POINTS						
19	IV						
20	60-79	51-85	81-135	108-180	126-210	135-225	171-285
21	POINTS						
22	V						
23	80-99	81-135	108-180	126-210	135-225	171-285	225-375
24	POINTS						OR LIFE
25	VI						
26	100+	108-180	126-210	135-225	171-285	225-375	270-450
27	POINTS					OR LIFE	OR LIFE

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1 SEC. 63. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
2 CLASS B:

3		PRIOR RECORD VARIABLE LEVEL					
4		A	B	C	D	E	F
5		0	1-9	10-24	25-49	50-74	75+
6		POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-18	12-20	24-40	36-60	51-85	72-120
12	POINTS						
13	II						
14	10-24	12-20	15-25	30-50	51-85	72-120	78-130
15	POINTS						
16	III						
17	25-34	15-25	21-35	36-60	57-95	78-130	84-140
18	POINTS						
19	IV						
20	35-49	21-35	24-40	45-75	72-120	84-140	87-145
21	POINTS						
22	V						
23	50-74	24-40	36-60	51-85	78-130	87-145	99-160
24	POINTS						
25	VI						
26	75+	36-60	45-75	57-95	84-140	99-160	117-160
27	POINTS						

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1 SEC. 64. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
2 CLASS C:

3		PRIOR RECORD VARIABLE LEVEL					
4		A	B	C	D	E	F
5		0	1-9	10-24	25-49	50-74	75+
6		POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-11	0-17	10-19	12-24	19-38	29-57
12	POINTS						
13	II						
14	10-24	0-17	5-17	12-24	19-38	29-57	36-71
15	POINTS						
16	III						
17	25-34	10-19	12-24	19-38	29-57	36-71	43-86
18	POINTS						
19	IV						
20	35-49	12-24	19-38	29-57	36-71	43-86	50-100
21	POINTS						
22	V						
23	50-74	19-38	29-57	36-71	43-86	50-100	58-114
24	POINTS						
25	VI						
26	75+	29-57	36-71	43-86	50-100	58-114	62-114
27	POINTS						

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1 SEC. 65. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
2 CLASS D:

		PRIOR RECORD VARIABLE LEVEL					
		A	B	C	D	E	F
		0	1-9	10-24	25-49	50-74	75+
		POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-6	0-9	0-11	0-17	5-23	10-23
12	POINTS						
13	II						
14	10-24	0-9	0-11	0-17	5-23	10-23	19-38
15	POINTS						
16	III						
17	25-34	0-11	0-17	5-23	10-23	19-38	29-57
18	POINTS						
19	IV						
20	35-49	0-17	5-23	10-23	19-38	29-57	34-67
21	POINTS						
22	V						
23	50-74	5-23	10-23	19-38	29-57	34-67	38-76
24	POINTS						
25	VI						
26	75+	10-23	19-38	29-57	34-67	38-76	43-76
27	POINTS						

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1 SEC. 66. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
2 CLASS E:

3		PRIOR RECORD VARIABLE LEVEL					
4		A	B	C	D	E	F
5		0	1-9	10-24	25-49	50-74	75+
6		POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-3	0-6	0-9	5-23	7-23	9-23
12	POINTS						
13	II						
14	10-24	0-6	0-9	0-11	7-23	10-23	12-24
15	POINTS						
16	III						
17	25-34	0-9	0-11	0-17	10-23	12-24	14-29
18	POINTS						
19	IV						
20	35-49	0-11	0-17	5-23	12-24	14-29	19-38
21	POINTS						
22	V						
23	50-74	0-14	5-23	7-23	14-29	19-38	22-38
24	POINTS						
25	VI						
26	75+	0-17	7-23	12-24	19-38	22-38	24-38
27	POINTS						

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1 SEC. 67. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
2 CLASS F:

		PRIOR RECORD VARIABLE LEVEL					
		A	B	C	D	E	F
		0	1-9	10-24	25-49	50-74	75+
		POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-3	0-6	0-9	2-17	5-23	10-23
12	POINTS						
13	II						
14	10-34	0-6	0-9	0-17	5-23	10-23	12-24
15	POINTS						
16	III						
17	35-74	0-9	0-17	2-17	10-23	12-24	14-29
18	POINTS						
19	IV						
20	75+	0-17	2-17	5-23	12-24	14-29	17-30
21	POINTS						

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1 SEC. 68. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
2 CLASS G:

		PRIOR RECORD VARIABLE LEVEL					
		A	B	C	D	E	F
		0	1-9	10-24	25-49	50-74	75+
		POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-3	0-6	0-9	0-11	0-17	2-17
12	POINTS						
13	II						
14	10-15	0-6	0-9	0-11	0-17	2-17	5-23
15	POINTS						
16	III						
17	16+	0-9	0-11	0-17	2-17	5-23	7-23
18	POINTS						

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1 SEC. 69. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
2 CLASS H:

3		PRIOR RECORD VARIABLE LEVEL					
4		A	B	C	D	E	F
5		0	1-9	10-24	25-49	50-74	75+
6		POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-1	0-3	0-6	0-9	0-11	0-17
12	POINTS						
13	II						
14	10-15	0-3	0-6	0-9	0-11	0-17	2-17
15	POINTS						
16	III						
17	16+	0-6	0-9	0-11	0-17	2-17	5-17
18	POINTS						

19 Enacting section 1. This amendatory act takes effect
20 December 15, 1998.

21 Enacting section 2. This amendatory act does not take
22 effect unless all of the following bills of the 89th Legislature
23 are enacted into law:

- 24 (a) Senate Bill No. 826.
- 25 (b) House Bill No. 4065.
- 26 (c) House Bill No. 4444.
- 27 (d) House Bill No. 4445.
- 28 (e) House Bill No. 4446.
- 29 (f) House Bill No. 4515.
- 30 (g) House Bill No. 5398.
- 31 (h) House Bill No. 5876.