

HOUSE BILL No. 4016

January 8, 1997, Introduced by Rep. McNutt and referred to the Committee on Judiciary.

A bill to amend chapter IX of 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 769.1 to 769.34) by adding section 29.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IX

2 SEC. 29. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON
3 WHO IS CONVICTED OF A FELONY SHALL NOT BE COMMITTED TO A STATE
4 CORRECTIONAL FACILITY IF THE PERSON'S SENTENCING GUIDELINES SCORE
5 HAS AN UPPER LIMIT FOR THE RECOMMENDED MINIMUM SENTENCE OF 12
6 MONTHS OR LESS.

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

10 (A) A FELONY COMMITTED BY A PERSON WHILE HE OR SHE IS
11 INCARCERATED IN A STATE CORRECTIONAL FACILITY OR IS ON PAROLE.

1 (B) A FELONY FOR WHICH A CONSECUTIVE SENTENCE IS REQUIRED BY
2 LAW.

3 (C) A VIOLATION OF SECTION 193 OF THE MICHIGAN PENAL CODE,
4 1931 PA 328, MCL 750.193, CONCERNING BREAKING PRISON.

5 (D) A VIOLATION OF SECTION 227B OF THE MICHIGAN PENAL CODE,
6 1931 PA 328, MCL 750.227B, CONCERNING CARRYING A FIREARM WHEN
7 COMMITTING OR ATTEMPTING TO COMMIT A FELONY.

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

11 (4) FOR PURPOSES OF THIS SECTION, BOTH OF THE FOLLOWING
12 APPLY:

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

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

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

22 (6) AS USED IN THIS SECTION, "SENTENCING GUIDELINES" MEANS
23 THE GUIDELINES USED FOR SENTENCING PURPOSES THAT ARE IN EFFECT ON
24 THE DATE OF SENTENCING, REGARDLESS OF WHETHER THOSE GUIDELINES
25 ARE IMPLEMENTED BY ORDER OF THE SUPREME COURT OR ARE ENACTED INTO
26 LAW.

1 Enacting section 1. This amendatory act takes effect
2 January 1, 1998.