

Act No. 61
Public Acts of 1999
Approved by the Governor
June 17, 1999
Filed with the Secretary of State
June 17, 1999
EFFECTIVE DATE: September 1, 1999

STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999

Introduced by Reps. Sanborn, Tabor, Wojno, Toy, Richner, Faunce, Van Woerkom, Kukuk, Middaugh, Gosselin, Voorhees, Bisbee, DeVuyst, Woronchak, Pappageorge, Stamas, Jelinek, LaSata, Green, DeRossett, Jansen, Birkholz, Cassis and Scranton

ENROLLED HOUSE BILL No. 4466

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 13 of chapter XVII (MCL 777.13), as added by 1998 PA 317.

The People of the State of Michigan enact:

CHAPTER XVII

Sec. 13. This chapter applies to the following felonies enumerated in chapters 300 to 399 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.1608	Person	G	Resisting and obstructing conservation officer	2
324.2157(3)	Property	H	State owned property—damages of \$1,000 or more	180 days
324.3115(2)	Pub saf	H	Waste discharge violations—second offense	2
324.5531(4)	Pub saf	H	Knowingly releasing pollutants	2
324.5531(5)	Pub saf	G	Knowingly releasing pollutants—causing death or serious bodily injury	6
324.5531(6)	Pub saf	C	Knowingly releasing pollutants—resulting in death or serious bodily injury	15

(37)

324.8905(2)	Pub saf	H	Infectious waste/pathological waste/sharps—littering violation	2
324.8905(3)	Pub saf	G	Infectious waste/pathological waste/sharps—littering violation— second offense	5
324.11151(2)	Pub saf	H	Hazardous waste violations—second or subsequent offense	2
324.11151(3)	Pub saf	H	Hazardous waste violation—with disregard for human life	2
324.11151(3)	Pub saf	G	Hazardous waste violation—with extreme indifference for human life	5
324.12116(2)	Pub saf	H	Waste—false statement or entry in a license application	2
324.20139(3)	Pub saf	H	Hazardous waste—knowingly releases or causes the release	2
324.21324(1)	Pub saf	G	Underground storage tanks—false or misleading information	5
324.21548(1)	Pub trst	H	False statement, report, claim, bid, work invoice, or other request for payment	5
324.30316(3)	Pub saf	H	NREPA violation—subsequent offense	2
324.31525	Person	G	NREPA—imminent danger of death or serious injury— subsequent offense	2
324.33939(1)	Pub trst	H	NREPA violation for commercial purposes	2
324.40118(11)	Pub ord	G	Wildlife conservation—buying selling protected animals— subsequent offense	4
324.51120(2)	Property	H	Removing forest products over \$2,500	3
324.51512	Pub saf	D	Willfully setting forest fires	10
324.61511	Pub trst	G	False affidavit under NREPA	5
324.61521(1)	Pub trst	G	Evading rule under NREPA	3
324.76107(4)	Pub trst	G	Recovering abandoned property in Great Lakes without permit	2
324.80130d(1)	Pub ord	H	False representation to obtain personal information	4
324.80130d(2)	Pub ord	G	False representation to obtain personal information— second offense	7
324.80130d(3)	Pub ord	C	False representation to obtain personal information— third or subsequent offense	15
324.80172	Person	G	Negligent crippling or homicide by vessel	2
324.80173	Person	G	Felonious operation of a vessel	2
324.80176(4)	Person	C	Operating a vessel under the influence causing death	15
324.80176(5)	Person	E	Operating a vessel under the influence causing long-term incapacitating injury	5
324.80177(1)(c)	Pub saf	E	Operating a vessel under the influence—third or subsequent offense	5
324.80319a(1)	Pub ord	H	False representation to obtain personal information	4
324.80319a(2)	Pub ord	G	False representation to obtain personal information— second offense	7
324.80319a(3)	Pub ord	C	False representation to obtain personal information— third or subsequent offense	15
324.81120(1)	Pub ord	H	False representation to obtain personal information	4
324.81120(2)	Pub ord	G	False representation to obtain personal information— second offense	7
324.81120(3)	Pub ord	C	False representation to obtain personal information— third or subsequent offense	15
324.81134(6)	Pub saf	E	Operating an ORV under the influence—third offense	4
324.82127(4)	Person	C	Operating a snowmobile under the influence causing death	15
324.82127(5)	Person	E	Operating a snowmobile under the influence causing long-term incapacitating injury	5
324.82128(1)(c)	Pub saf	E	Operating a snowmobile under the influence—third offense	5
324.82160(1)	Pub ord	H	False representation to obtain personal information	4
324.82160(2)	Pub ord	G	False representation to obtain personal information— second offense	7
324.82160(3)	Pub ord	C	False representation to obtain personal information— third or subsequent offense	15
328.232	Property	E	Conversion of funeral contracts	5
333.2685	Person	E	Use of a live human embryo, fetus for nontherapeutic research	5
333.2688	Person	E	Research on dead embryo or fetus without mother's consent	5
333.2689	Person	E	Abortion to obtain embryo	5
333.2690	Person	E	Sale or delivery of fetus or embryo	5
333.2835(9)	Pub trst	G	Disclosing confidential information—abortion	3

333.5210	Person	F	AIDS—sexual penetration with uninformed partner	4
333.5661	Person	F	Fraud resulting in patient death	4
333.7341(8)	CS	G	Delivery or manufacture or imitation controlled substance	2
333.7401(2)(a)(i)	CS	A	Delivery or manufacture of >649 grams by juvenile	Life
333.7401(2)(a)(iii)	CS	B	Delivery or manufacture of 50-224 grams	20
333.7401(2)(a)(iv)	CS	D	Delivery or manufacture of <50 grams	20
333.7401(2)(b)	CS	E	Delivery or manufacture schedule 1/2/3 except marijuana	7
333.7401(2)(c)	CS	F	Delivery or manufacture schedule 4	4
333.7401(2)(d)(i)	CS	C	Delivery or manufacture >45 kilos of marijuana	15
333.7401(2)(d)(ii)	CS	D	Delivery or manufacture of 5-45 kilos of marijuana	7
333.7401(2)(d)(iii)	CS	F	Delivery or manufacture <5 kilos or 20 plants of marijuana	4
333.7401(2)(e)	CS	G	Delivery or manufacture schedule 5	2
333.7401(2)(f)	CS	D	Delivery or manufacture of an official or counterfeit prescription form	20
333.7401(2)(g)	CS	D	Delivery or manufacture prescription or counterfeit form (other than official)	7
333.7402(2)(a)	CS	D	Delivery or manufacture of an imitation controlled substance	10
333.7402(2)(b)	CS	E	Delivery or manufacture imitation controlled substance schedule 1/2/3	5
333.7402(2)(c)	CS	F	Delivery or manufacture imitation controlled substance schedule 4	4
333.7402(2)(d)	CS	G	Delivery or manufacture imitation controlled substance schedule 5	2
333.7402(2)(e)	CS	C	Delivery or manufacture analogue	15
333.7403(2)(a)(i)	CS	A	Possession >649 grams by juvenile	Life
333.7403(2)(a)(iii)	CS	B	Possession 50-224 grams	20
333.7403(2)(a)(iv)	CS	G	Possession of 25-49 grams	4
333.7403(2)(a)(v)	CS	G	Possession of <25 grams	4
333.7403(2)(b)	CS	G	Possession certain schedule 1/2/3/4 or analogue	2
333.7403(2)(e)	CS	H	Possession of official prescription form	1
333.7405(a)	CS	G	Controlled substance violations by licensee	2
333.7405(b)	CS	G	Manufacturing or distribution violations by licensee	2
333.7405(c)	CS	G	Refusing lawful inspection	2
333.7405(d)	CS	G	Maintaining drug house	2
333.7407(1)(a)	CS	G	Controlled substance violations by licensee	4
333.7407(1)(b)	CS	G	Use of fictitious, revoked, or suspended license number	4
333.7407(1)(c)	CS	G	Obtaining controlled substance by fraud	4
333.7407(1)(d)	CS	G	False reports under controlled substance article	4
333.7407(1)(e)	CS	G	Possession of counterfeiting implements	4
333.7407(1)(f)	CS	F	Disclosing or obtaining prescription information	4
333.7407(1)(g)	CS	F	Possession of counterfeit prescription form	4
333.7407(2)	CS	G	Refusing to furnish records under controlled substance article	4
333.10204(1)	Pub ord	F	Transferring a human organ for valuable consideration	4
333.10204(4)	Pub saf	F	Removal of a human organ by an unauthorized individual	4
333.10205	Pub saf	F	Removal of a human organ in an unapproved facility	4
333.13738(2)	Pub saf	F	Waste disposal violations—second offense	5
333.13738(3)	Pub saf	F	Disposing of waste—indifference to human life	2
333.13738(3)	Pub saf	B	Disposing of waste—extreme indifference to human life	20
333.16170(3)	Pub trst	F	False representation—health professional recovery program	4
333.16294	Pub saf	F	Health profession—unauthorized practice	4
333.17766a(2)(a)	CS	F	Possession of steroids—second offense	4
333.17766a(3)	CS	E	Delivery or manufacture of steroids	7
333.17766a(4)	CS	G	Delivery of imitation steroids	7
333.17766c(2)	CS	G	Possession >10 grams ephedrine	2
333.20142(5)	Pub trst	F	False statement—application licensure health facility	4
333.21792	Pub trst	G	Nursing homes—referral fees/bribing officials/accepting bribes	4
388.936	Pub trst	F	Knowingly making false statement—school district loans	4
388.962	Pub trst	F	Knowingly making false statement—school district loans	4

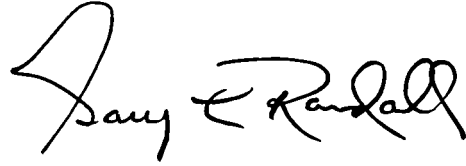
Enacting section 1. This amendatory act takes effect September 1, 1999.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 90th Legislature are enacted into law:

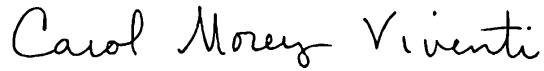
(a) Senate Bill No. 381.

(b) House Bill No. 4025.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.