

Act No. 304  
Public Acts of 2000  
Approved by the Governor  
October 14, 2000  
Filed with the Secretary of State  
October 16, 2000  
EFFECTIVE DATE: January 1, 2001

**STATE OF MICHIGAN  
90TH LEGISLATURE  
REGULAR SESSION OF 2000**

**Introduced by Reps. Kowall, Faunce, Hager, Van Woerkom, Bradstreet, Garcia, Mortimer, Gilbert, Vander Roest, Bishop, Mead, Pumford, Kukuk, Shulman, Shackleton, Sanborn, Bisbee, Woronchak, Caul, Rocca, Richner, O'Neil, Frank, Pestka, Rivet, Switalski, Wojno, Gieleghem, Jacobs, Cameron Brown, Richardville and Vear**

# **ENROLLED HOUSE BILL No. 5557**

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 sections 13 and 18 of chapter XVII (MCL 777.13 and 777.18), as amended by 2000 PA 279.

*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:

| <b>M.C.L.</b> | <b>Category</b> | <b>Class</b> | <b>Description</b>                                 | <b>Stat Max</b> |
|---------------|-----------------|--------------|----------------------------------------------------|-----------------|
| 324.1608      | Person          | G            | Resisting and obstructing conservation officer     | 2               |
| 324.2157(3)   | Property        | H            | State owned property—damages of \$1,000<br>or more | 180 days        |
| 324.3115(2)   | Pub saf         | H            | Waste discharge violations                         | 2               |

|                 |          |   |                                                                                            |          |
|-----------------|----------|---|--------------------------------------------------------------------------------------------|----------|
| 324.3115(4)     | Pub saf  | G | Waste discharge violations—substantial endangerment                                        | 5        |
| 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       |
| 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—subsequent offense          | 5        |
| 324.11151(2)    | Pub saf  | H | Hazardous waste violations—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       |
| 324.52908(3)    | Property | H | Illegally cutting, removing, or transporting tree or other plant involving \$1,000 or more | 180 days |
| 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 or subsequent offense                                                | 4    |
| 324.81134(7)       | Person   | C | Operating an ORV under the influence causing death                                                              | 15   |
| 324.81134(8)       | Person   | E | Operating an ORV under the influence causing serious impairment                                                 | 5    |
| 324.82126c(1)      | Person   | G | Operating a snowmobile carelessly or negligently causing death or serious impairment                            | 2    |
| 324.82126c(2)      | Person   | G | Operating a snowmobile without regard to safety causing serious impairment                                      | 2    |
| 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 or subsequent 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    |
| 333.2813(3)        | Pub trst | F | Unauthorized disclosure of social security number—subsequent offense                                            | 4    |
| 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 of imitation controlled substance                                                       | 2    |
| 333.7401(2)(a)(i)  | CS       | A | Delivery or manufacture of 650 or more grams of certain schedule 1 or 2 controlled substances                   | Life |
| 333.7401(2)(a)(ii) | CS       | A | Delivery or manufacture of 225 or more but less than 650 grams of certain schedule 1 or 2 controlled substances | 30   |

|                     |        |   |                                                                                                                |      |
|---------------------|--------|---|----------------------------------------------------------------------------------------------------------------|------|
| 333.7401(2)(a)(iii) | CS     | B | Delivery or manufacture of 50 or more but less than 225 grams of certain schedule 1 or 2 controlled substances | 20   |
| 333.7401(2)(a)(iv)  | CS     | D | Delivery or manufacture of less than 50 grams of certain schedule 1 or 2 controlled substances                 | 20   |
| 333.7401(2)(b)      | CS     | E | Delivery or manufacture of schedule 1, 2, or 3 controlled substance except marijuana                           | 7    |
| 333.7401(2)(c)      | CS     | F | Delivery or manufacture of schedule 4 controlled substance                                                     | 4    |
| 333.7401(2)(d)(i)   | CS     | C | Delivery or manufacture of 45 or more kilograms of marijuana                                                   | 15   |
| 333.7401(2)(d)(ii)  | CS     | D | Delivery or manufacture of 5 or more but less than 45 kilograms of marijuana                                   | 7    |
| 333.7401(2)(d)(iii) | CS     | F | Delivery or manufacture of less than 5 kilograms or 20 plants of marijuana                                     | 4    |
| 333.7401(2)(e)      | CS     | G | Delivery or manufacture of schedule 5 controlled substance                                                     | 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 of prescription or counterfeit form (other than official)                              | 7    |
| 333.7401a           | Person | B | Delivering a controlled substance or GBL with intent to commit criminal sexual conduct                         | 20   |
| 333.7401b(3)(a)     | CS     | E | Delivery or manufacture of GBL                                                                                 | 7    |
| 333.7401b(3)(b)     | CS     | G | Possession of GBL                                                                                              | 2    |
| 333.7402(2)(a)      | CS     | D | Delivery or manufacture of an imitation controlled substance                                                   | 10   |
| 333.7402(2)(b)      | CS     | E | Delivery or manufacture of schedule 1, 2, or 3 imitation controlled substance                                  | 5    |
| 333.7402(2)(c)      | CS     | F | Delivery or manufacture of imitation schedule 4 controlled substance                                           | 4    |
| 333.7402(2)(d)      | CS     | G | Delivery or manufacture of imitation schedule 5 controlled substance                                           | 2    |
| 333.7402(2)(e)      | CS     | C | Delivery or manufacture of controlled substance analogue                                                       | 15   |
| 333.7403(2)(a)(i)   | CS     | A | Possession of 650 or more grams of certain schedule 1 or 2 controlled substances by juvenile                   | Life |
| 333.7403(2)(a)(ii)  | CS     | A | Possession of 225 or more but less than 650 grams of certain schedule 1 or 2 controlled substances             | 30   |
| 333.7403(2)(a)(iii) | CS     | B | Possession of 50 or more but less than 225 grams of certain schedule 1 or 2 controlled substances              | 20   |
| 333.7403(2)(a)(iv)  | CS     | G | Possession of 25 or more but less than 50 grams of certain schedule 1 or 2 controlled substances               | 4    |
| 333.7403(2)(a)(v)   | CS     | G | Possession of less than 25 grams of certain schedule 1 or 2 controlled substances                              | 4    |
| 333.7403(2)(b)      | CS     | G | Possession of certain schedule 1, 2, 3, or 4 controlled substances or controlled substances 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  |
| 333.7410a      | CS       | G | Controlled substance offense or offense involving GBL in or near a park | 2  |
| 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  |
|                | 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)  | CS       | F | Possession of steroids—subsequent 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 of more than 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  |
| 338.3434a(2)   | Pub trst | F | Unauthorized disclosure of a social security number—subsequent offense  | 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  |

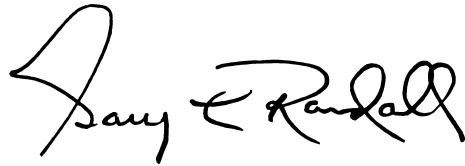
Sec. 18. This chapter applies to the following felonies:

| <b>M.C.L.</b>      | <b>Category</b> | <b>Description</b>                                                               | <b>Stat Max</b> |
|--------------------|-----------------|----------------------------------------------------------------------------------|-----------------|
| 333.7410           | CS              | Controlled substance offense or offense involving GBL on or near school property | Variable        |
| 333.7413(2) or (3) | Pub trst        | Subsequent controlled substance violations                                       | Variable        |
| 333.7416(1)(a)     | CS              | Recruiting or inducing a minor to commit a controlled substance felony           | Variable        |
| 750.157a(a)        | Pub saf         | Conspiracy                                                                       | Variable        |
| 750.157c           | Person          | Inducing minor to commit a felony                                                | Variable        |
| 750.188            | Pub ord         | Voluntarily suffering prisoner to escape                                         | Variable        |
| 750.237a           | Pub saf         | Felony committed in a weapon-free school zone                                    | Variable        |
| 750.367a           | Property        | Larceny of rationed goods                                                        | Variable        |

Enacting section 1. This amendatory act takes effect January 1, 2001.

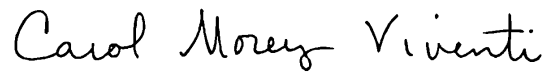
Enacting section 2. This amendatory act does not take effect unless House Bill No. 5556 of the 90th Legislature is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved \_\_\_\_\_

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Governor.