

**SENTENCING GUIDELINES: TECH
AMENDMENT**

**House Bill 5521 (Substitute H-1)
First Analysis (4-17-02)**

**Sponsor: Rep. Tom Meyer
Committee: Criminal Justice**

THE APPARENT PROBLEM:

If a provision of law specifies that a particular action would result in a felony offense, a corresponding provision is placed within the sentencing guidelines section of the Code of Criminal Procedure. Therefore, each time the statutory maximum term of imprisonment for a felony offense is changed, or each time the statutory reference for a particular offense is changed, the corresponding provision in the Code of Criminal Procedure must also be amended.

Public Act 80 of 2002 amended the Grain Dealers Act to, among other things, revise the powers and duties of the Michigan Department of Agriculture and its director, provide administrative remedies, revise language pertaining to the licensure and regulation of grain dealers, and revise the penalties for violations of the act. Public Act 80 also resulted in the compiled laws citation of the penalty provision being changed from MCL 285.82 to MCL 285.83. Legislation has been offered to amend the corresponding provision within the Code of Criminal Procedure to reflect the change to the compiled laws citation.

THE CONTENT OF THE BILL:

The bill would amend the Code of Criminal Procedure to incorporate the change to the compiled laws citation pertaining to violations of the Grain Dealers Act brought about by Public Act 80 of 2002. Therefore, the bill would change the reference from MCL 282.82 to MCL 285.83. As it does currently, the provision in the Code of Criminal Procedure would still specify that a violation of the Grain Dealers Act is a Class H felony against the public trust with a five-year maximum term of imprisonment.

MCL 285.83

BACKGROUND INFORMATION:

Public Act 80 of 2002, which amends the Grain Dealers Act, will take effect 91 days after the final adjournment of the 2002 legislative session. (For more information on Public Act 80, see the House Legislative Analysis Section's analysis on House Bill 5434.)

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no fiscal implications for the state or local units of government. (4-16-02)

ARGUMENTS:

For:

The bill would make no substantive changes to current law. It would merely ensure that the proper compiled laws citation was referenced in the sentencing guidelines component of the Code of Criminal Procedure for the penalty provision of the Grain Dealers Act.

POSITIONS:

There are no positions on the bill.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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