

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 410

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 2157, 52908, and 76107 (MCL 324.2157,  
324.52908, and 324.76107), section 2157 as added by 1995 PA 60,  
section 52908 as added by 1995 PA 57, and section 76107 as  
amended by 2001 PA 75.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2157. (1) ~~If~~ A PERSON WHO VIOLATES SECTION 2156 IS  
2 GUILTY OF A CRIME AS FOLLOWS:

3       (A) IF the damages are ~~\$100.00 or less, for a first viola-~~  
4 ~~tion of section 2156, a person is responsible for a civil fine of~~  
5 ~~not more than \$500.00. If the damages are \$100.00 or less, for a~~  
6 ~~second or subsequent violation of section 2156, a person is~~  
7 ~~guilty of a misdemeanor, punishable by imprisonment for not more~~  
8 ~~than 90 days, or a fine of not less than \$50.00 or more than~~

**SB410, As Passed House, October 4, 2001**

Senate Bill No. 410

2

1 ~~\$500.00, or both, and the costs of prosecution.~~ LESS THAN  
2 \$200.00, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
3 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN  
4 \$500.00, OR 3 TIMES THE AGGREGATE VALUE OF THE FOREST PRODUCT,  
5 IMPROVEMENT, OR PROPERTY INVOLVED, WHICHEVER IS GREATER, OR BOTH  
6 IMPRISONMENT AND A FINE.

7 ~~-(2) If the damages are more than \$100.00 but less than~~  
8 ~~\$1,000.00, a person who violates section 2156 is guilty of a mis-~~  
9 ~~demeanor, punishable by imprisonment for not more than 180 days,~~  
10 ~~or a fine of not less than \$500.00 or more than \$5,000.00, or~~  
11 ~~both, and the costs of prosecution.~~

12 ~~-(3) If the damages are \$1,000.00 or more, a person who will-~~  
13 ~~fully violates section 2156 is guilty of a felony, punishable by~~  
14 ~~imprisonment for not more than 180 days, or a fine of not less~~  
15 ~~than \$1,000.00 or more than \$10,000.00, and the costs of~~  
16 ~~prosecution.~~

17 (B) IF ANY OF THE FOLLOWING APPLY, THE PERSON IS GUILTY OF A  
18 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR  
19 OR A FINE OF NOT MORE THAN \$2,000.00 OR 3 TIMES THE VALUE OF THE  
20 FOREST PRODUCT, IMPROVEMENT, OR PROPERTY INVOLVED, WHICHEVER IS  
21 GREATER, OR BOTH IMPRISONMENT AND A FINE:

22 (i) THE VALUE OF THE FOREST PRODUCT, IMPROVEMENT, OR PROP-  
23 ERTY INVOLVED IS \$200.00 OR MORE BUT LESS THAN \$1,000.00.

24 (ii) THE PERSON VIOLATES SUBDIVISION (A) AND HAS 1 OR MORE  
25 PRIOR CONVICTIONS FOR COMMITTING OR ATTEMPTING TO COMMIT AN  
26 OFFENSE UNDER SECTION 2156.

1 (C) IF ANY OF THE FOLLOWING APPLY, THE PERSON IS GUILTY OF A  
2 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A  
3 FINE OF NOT MORE THAN \$10,000.00 OR 3 TIMES THE VALUE OF THE  
4 FOREST PRODUCT, IMPROVEMENT, OR PROPERTY INVOLVED, WHICHEVER IS  
5 GREATER, OR BOTH IMPRISONMENT AND A FINE:

6 (i) THE VALUE OF THE FOREST PRODUCT, IMPROVEMENT, OR PROP-  
7 ERTY INVOLVED IS \$1,000.00 OR MORE BUT LESS THAN \$20,000.00.

8 (ii) THE PERSON VIOLATES SUBDIVISION (B)(i) AND HAS 1 OR  
9 MORE PRIOR CONVICTIONS FOR VIOLATING OR ATTEMPTING TO VIOLATE  
10 SECTION 2156. FOR PURPOSES OF THIS SUBPARAGRAPH, HOWEVER, A  
11 PRIOR CONVICTION DOES NOT INCLUDE A CONVICTION FOR A VIOLATION OR  
12 ATTEMPTED VIOLATION OF SUBDIVISION (A) OR (B)(ii).

13 (D) IF ANY OF THE FOLLOWING APPLY, THE PERSON IS GUILTY OF A  
14 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A  
15 FINE OF NOT MORE THAN \$15,000.00 OR 3 TIMES THE VALUE OF THE  
16 FOREST PRODUCT, IMPROVEMENT, OR PROPERTY INVOLVED, WHICHEVER IS  
17 GREATER, OR BOTH IMPRISONMENT AND A FINE:

18 (i) THE FOREST PRODUCT, IMPROVEMENT, OR PROPERTY INVOLVED  
19 HAS A VALUE OF \$20,000.00 OR MORE.

20 (ii) THE PERSON VIOLATES SUBDIVISION (C)(i) AND HAS 2 OR  
21 MORE PRIOR CONVICTIONS FOR COMMITTING OR ATTEMPTING TO COMMIT AN  
22 OFFENSE UNDER SECTION 2156. FOR PURPOSES OF THIS SUBPARAGRAPH,  
23 HOWEVER, A PRIOR CONVICTION DOES NOT INCLUDE A CONVICTION FOR A  
24 VIOLATION OR ATTEMPTED VIOLATION OF SUBDIVISION (A) OR (B)(ii).

25 (2) THE VALUES OF THE FOREST PRODUCT, IMPROVEMENT, OR PROP-  
26 ERTY INVOLVED IN SEPARATE INCIDENTS PURSUANT TO A SCHEME OR  
27 COURSE OF CONDUCT WITHIN ANY 12-MONTH PERIOD MAY BE AGGREGATED TO

1 DETERMINE THE TOTAL VALUE OF THE FOREST PRODUCTS, IMPROVEMENTS,  
2 OR PROPERTY INVOLVED.

3 (3) IF THE PROSECUTING ATTORNEY INTENDS TO SEEK AN ENHANCED  
4 SENTENCE BASED UPON THE DEFENDANT HAVING 1 OR MORE PRIOR CONVIC-  
5 TIONS, THE PROSECUTING ATTORNEY SHALL INCLUDE ON THE COMPLAINT  
6 AND INFORMATION A STATEMENT LISTING THE PRIOR CONVICTION OR  
7 CONVICTIONS. THE EXISTENCE OF THE DEFENDANT'S PRIOR CONVICTION  
8 OR CONVICTIONS SHALL BE DETERMINED BY THE COURT, WITHOUT A JURY,  
9 AT SENTENCING OR AT A SEPARATE HEARING FOR THAT PURPOSE BEFORE  
10 SENTENCING. THE EXISTENCE OF A PRIOR CONVICTION MAY BE ESTAB-  
11 LISHED BY ANY EVIDENCE RELEVANT FOR THAT PURPOSE, INCLUDING, BUT  
12 NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

13 (A) A COPY OF THE JUDGMENT OF CONVICTION.

14 (B) A TRANSCRIPT OF A PRIOR TRIAL, PLEA-TAKING, OR  
15 SENTENCING.

16 (C) INFORMATION CONTAINED IN A PRESENTENCE REPORT.

17 (D) THE DEFENDANT'S STATEMENT.

18 (4) IF THE SENTENCE FOR A CONVICTION UNDER THIS SECTION IS  
19 ENHANCED BY 1 OR MORE PRIOR CONVICTIONS, THOSE PRIOR CONVICTIONS  
20 SHALL NOT BE USED TO FURTHER ENHANCE THE SENTENCE FOR THE CONVIC-  
21 TION PURSUANT TO SECTION 10, 11, OR 12 OF CHAPTER IX OF THE CODE  
22 OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.10, 769.11, AND  
23 769.12.

24 Sec. 52908. (1) ~~if~~ A PERSON WHO VIOLATES THIS PART IS  
25 GUILTY OF A CRIME AS FOLLOWS:

26 (A) IF the damages are ~~-\$100.00 or less, for a first~~  
27 ~~violation of this part, a person is responsible for a civil fine~~

1 ~~of not more than \$500.00. If the damages are \$100.00 or less,~~  
2 ~~for a second or subsequent violation of this part, a person is~~  
3 ~~guilty of a misdemeanor, punishable by imprisonment for not more~~  
4 ~~than 90 days, or a fine of not less than \$50.00 or more than~~  
5 ~~\$500.00, or both, and the costs of prosecution. LESS THAN~~  
6 ~~\$200.00, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY~~  
7 ~~IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN~~  
8 ~~\$500.00, OR 3 TIMES THE AGGREGATE VALUE OF THE PROPERTY INVOLVED,~~  
9 ~~WHICHEVER IS GREATER, OR BOTH IMPRISONMENT AND A FINE.~~

10 ~~(2) If the damages are more than \$100.00 but less than~~  
11 ~~\$1,000.00, a person who violates this part is guilty of a misde-~~  
12 ~~meanor, punishable by imprisonment for not more than 180 days, or~~  
13 ~~a fine of not less than \$500.00 or more than \$5,000.00, or both,~~  
14 ~~and the costs of prosecution.~~

15 ~~(3) If the damages are \$1,000.00 or more, a person who will-~~  
16 ~~fully violates this part is guilty of a felony, punishable by~~  
17 ~~imprisonment for not more than 180 days or a fine of not less~~  
18 ~~than \$1,000.00 or more than \$10,000.00, and the costs of~~  
19 ~~prosecution.~~

20 (B) IF ANY OF THE FOLLOWING APPLY, THE PERSON IS GUILTY OF A  
21 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR  
22 OR A FINE OF NOT MORE THAN \$2,000.00 OR 3 TIMES THE VALUE OF THE  
23 PROPERTY INVOLVED, WHICHEVER IS GREATER, OR BOTH IMPRISONMENT AND  
24 A FINE:

25 (i) THE VALUE OF THE PROPERTY INVOLVED IS \$200.00 OR MORE  
26 BUT LESS THAN \$1,000.00.

1       (ii) THE PERSON VIOLATES SUBDIVISION (A) AND HAS 1 OR MORE  
2 PRIOR CONVICTIONS FOR COMMITTING OR ATTEMPTING TO COMMIT AN  
3 OFFENSE UNDER THIS PART.

4       (C) IF ANY OF THE FOLLOWING APPLY, THE PERSON IS GUILTY OF A  
5 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A  
6 FINE OF NOT MORE THAN \$10,000.00 OR 3 TIMES THE VALUE OF THE  
7 PROPERTY INVOLVED, WHICHEVER IS GREATER, OR BOTH IMPRISONMENT AND  
8 A FINE:

9       (i) THE VALUE OF THE PROPERTY INVOLVED IS \$1,000.00 OR MORE  
10 BUT LESS THAN \$20,000.00.

11       (ii) THE PERSON VIOLATES SUBDIVISION (B)(i) AND HAS 1 OR  
12 MORE PRIOR CONVICTIONS FOR VIOLATING OR ATTEMPTING TO VIOLATE  
13 THIS PART. FOR PURPOSES OF THIS SUBPARAGRAPH, HOWEVER, A PRIOR  
14 CONVICTION DOES NOT INCLUDE A CONVICTION FOR A VIOLATION OR  
15 ATTEMPTED VIOLATION OF SUBDIVISION (A) OR (B)(ii).

16       (D) IF ANY OF THE FOLLOWING APPLY, THE PERSON IS GUILTY OF A  
17 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A  
18 FINE OF NOT MORE THAN \$15,000.00 OR 3 TIMES THE VALUE OF THE  
19 PROPERTY INVOLVED, WHICHEVER IS GREATER, OR BOTH IMPRISONMENT AND  
20 A FINE:

21       (i) THE PROPERTY INVOLVED HAS A VALUE OF \$20,000.00 OR  
22 MORE.

23       (ii) THE PERSON VIOLATES SUBDIVISION (C)(i) AND HAS 2 OR  
24 MORE PRIOR CONVICTIONS FOR COMMITTING OR ATTEMPTING TO COMMIT AN  
25 OFFENSE UNDER THIS PART. FOR PURPOSES OF THIS SUBPARAGRAPH, HOW-  
26 EVER, A PRIOR CONVICTION DOES NOT INCLUDE A CONVICTION FOR A  
27 VIOLATION OR ATTEMPTED VIOLATION OF SUBDIVISION (A) OR (B)(ii).

1       (2) THE VALUES OF PROPERTY DAMAGED IN SEPARATE INCIDENTS  
2 PURSUANT TO A SCHEME OR COURSE OF CONDUCT WITHIN ANY 12-MONTH  
3 PERIOD MAY BE AGGREGATED TO DETERMINE THE TOTAL VALUE OF PROPERTY  
4 DAMAGED.

5       (3) IF THE PROSECUTING ATTORNEY INTENDS TO SEEK AN ENHANCED  
6 SENTENCE BASED UPON THE DEFENDANT HAVING 1 OR MORE PRIOR CONVIC-  
7 TIONS, THE PROSECUTING ATTORNEY SHALL INCLUDE ON THE COMPLAINT  
8 AND INFORMATION A STATEMENT LISTING THE PRIOR CONVICTION OR  
9 CONVICTIONS. THE EXISTENCE OF THE DEFENDANT'S PRIOR CONVICTION  
10 OR CONVICTIONS SHALL BE DETERMINED BY THE COURT, WITHOUT A JURY,  
11 AT SENTENCING OR AT A SEPARATE HEARING FOR THAT PURPOSE BEFORE  
12 SENTENCING. THE EXISTENCE OF A PRIOR CONVICTION MAY BE ESTAB-  
13 LISHED BY ANY EVIDENCE RELEVANT FOR THAT PURPOSE, INCLUDING, BUT  
14 NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

15       (A) A COPY OF THE JUDGMENT OF CONVICTION.

16       (B) A TRANSCRIPT OF A PRIOR TRIAL, PLEA-TAKING, OR  
17 SENTENCING.

18       (C) INFORMATION CONTAINED IN A PRESENTENCE REPORT.

19       (D) THE DEFENDANT'S STATEMENT.

20       (4) IF THE SENTENCE FOR A CONVICTION UNDER THIS SECTION IS  
21 ENHANCED BY 1 OR MORE PRIOR CONVICTIONS, THOSE PRIOR CONVICTIONS  
22 SHALL NOT BE USED TO FURTHER ENHANCE THE SENTENCE FOR THE CONVIC-  
23 TION PURSUANT TO SECTION 10, 11, OR 12 OF CHAPTER IX OF THE CODE  
24 OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.10, 769.11, AND  
25 769.12.

26       (5) ~~-(4)-~~ A person who forges a bill of sale or other  
27 evidence of title prescribed by the department or the department

1 of agriculture or the federal agency that has jurisdiction is  
2 guilty of a misdemeanor, punishable by imprisonment for not more  
3 than 90 days, or a fine of not more than \$100.00, or both.

4       (6) ~~-(5)-~~ In addition to the penalties provided for in this  
5 section, a person who violates this part by illegally removing or  
6 cutting a plant is liable in a civil action filed by the state or  
7 the property owner for up to 3 times the fair market value of the  
8 damage caused by the unlawful act or ~~the sum of~~ \$100.00, which-  
9 ever is greater, and ~~the~~ FOR court costs and attorney fees.  
10 Damages collected ~~pursuant to~~ UNDER this subsection shall be  
11 paid to the owner of the lands from which the plants were ille-  
12 gally removed or, if removed from state owned lands, to the state  
13 treasurer, who shall credit the deposit to the fund that was used  
14 to purchase the land on which the violation occurred.

15       (7) ~~-(6)-~~ A person who violates this part by not having in  
16 his or her possession a current tax receipt or deed with respect  
17 to property, or a copy of the receipt or deed, indicating that  
18 the person owned the land from which the plants were taken shall  
19 not be prosecuted under this part for that violation if he or she  
20 subsequently produces a current tax receipt or deed showing that  
21 person's ownership of the property from which the plants were  
22 taken.

23       Sec. 76107. (1) Except as provided in section 76108, a  
24 person shall not recover, alter, or destroy abandoned property  
25 which is in, on, under, or over the bottomlands of the Great  
26 Lakes, including those within a Great Lakes bottomlands preserve,  
27 unless the person has a permit issued jointly by the department



1 of history, arts, and libraries and the department ~~pursuant to~~  
2 UNDER section 76109.

3 (2) A person who recovers abandoned property without a  
4 permit when a permit is required by this part shall transmit the  
5 property to the department of history, arts, and libraries and  
6 the recovered property shall be the property of the department of  
7 history, arts, and libraries.

8 (3) A person shall not remove, convey, mutilate, or deface a  
9 human body or the remains of a human body located on the bottom-  
10 lands of the Great Lakes. THIS SUBSECTION DOES NOT APPLY TO A  
11 PERSON WHO REMOVES OR CONVEYS A HUMAN BODY OR THE REMAINS OF A  
12 HUMAN BODY PURSUANT TO A COURT ORDER, PURSUANT TO THE WRITTEN  
13 CONSENT OF THE DECEDENT'S NEXT OF KIN IF THE DECEDENT'S DEATH  
14 OCCURRED LESS THAN 100 YEARS BEFORE THE REMOVAL OR CONVEYING, OR  
15 TO A PERSON WHO REMOVES OR CONVEYS THE BODY FOR LAW ENFORCEMENT,  
16 MEDICAL, ARCHAEOLOGICAL, OR SCIENTIFIC PURPOSES. A PERSON WHO  
17 VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY PUNISHABLE BY  
18 IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE  
19 THAN \$5,000.00, OR BOTH.

20 (4) A person who violates subsection (1) ~~by recovering or~~  
21 ~~destroying abandoned property with a fair market value of \$100.00~~  
22 ~~or more is guilty of a felony, punishable by imprisonment for not~~  
23 ~~more than 2 years, or by a fine of not more than \$5,000.00, or~~  
24 ~~both.~~ IS GUILTY OF A CRIME AS FOLLOWS:

25 (A) IF THE VALUE OF THE PROPERTY IS LESS THAN \$200.00, THE  
26 PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR  
27 NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR 3

1 TIMES THE AGGREGATE VALUE OF THE PROPERTY INVOLVED, WHICHEVER IS  
2 GREATER, OR BOTH IMPRISONMENT AND A FINE.

3 (B) IF ANY OF THE FOLLOWING APPLY, THE PERSON IS GUILTY OF A  
4 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR  
5 OR A FINE OF NOT MORE THAN \$2,000.00 OR 3 TIMES THE VALUE OF THE  
6 PROPERTY INVOLVED, WHICHEVER IS GREATER, OR BOTH IMPRISONMENT AND  
7 A FINE:

8 (i) THE VALUE OF THE PROPERTY INVOLVED IS \$200.00 OR MORE  
9 BUT LESS THAN \$1,000.00.

10 (ii) THE PERSON VIOLATES SUBDIVISION (A) AND HAS 1 OR MORE  
11 PRIOR CONVICTIONS FOR COMMITTING OR ATTEMPTING TO COMMIT AN  
12 OFFENSE UNDER THIS SECTION.

13 (C) IF ANY OF THE FOLLOWING APPLY, THE PERSON IS GUILTY OF A  
14 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A  
15 FINE OF NOT MORE THAN \$10,000.00 OR 3 TIMES THE VALUE OF THE  
16 PROPERTY INVOLVED, WHICHEVER IS GREATER, OR BOTH IMPRISONMENT AND  
17 A FINE:

18 (i) THE VALUE OF THE PROPERTY INVOLVED IS \$1,000.00 OR MORE  
19 BUT LESS THAN \$20,000.00.

20 (ii) THE PERSON VIOLATES SUBDIVISION (B)(i) AND HAS 1 OR  
21 MORE PRIOR CONVICTIONS FOR VIOLATING OR ATTEMPTING TO VIOLATE  
22 THIS SECTION. FOR PURPOSES OF THIS SUBPARAGRAPH, HOWEVER, A  
23 PRIOR CONVICTION DOES NOT INCLUDE A CONVICTION FOR A VIOLATION OR  
24 ATTEMPTED VIOLATION OF SUBDIVISION (A) OR (B)(ii).

25 (D) IF ANY OF THE FOLLOWING APPLY, THE PERSON IS GUILTY OF A  
26 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A  
27 FINE OF NOT MORE THAN \$15,000.00 OR 3 TIMES THE VALUE OF THE

1 PROPERTY INVOLVED, WHICHEVER IS GREATER, OR BOTH IMPRISONMENT AND  
2 A FINE:

3       (i) THE PROPERTY INVOLVED HAS A VALUE OF \$20,000.00 OR  
4 MORE.

5       (ii) THE PERSON VIOLATES SUBDIVISION (C)(i) AND HAS 2 OR  
6 MORE PRIOR CONVICTIONS FOR COMMITTING OR ATTEMPTING TO COMMIT AN  
7 OFFENSE UNDER THIS SECTION. FOR PURPOSES OF THIS SUBPARAGRAPH,  
8 HOWEVER, A PRIOR CONVICTION DOES NOT INCLUDE A CONVICTION FOR A  
9 VIOLATION OR ATTEMPTED VIOLATION OF SUBDIVISION (A) OR (B)(ii).

10       (5) THE VALUES OF PROPERTY RECOVERED OR DESTROYED IN SEPA-  
11 RATE INCIDENTS PURSUANT TO A SCHEME OR COURSE OF CONDUCT WITHIN  
12 ANY 12-MONTH PERIOD MAY BE AGGREGATED TO DETERMINE THE TOTAL  
13 VALUE OF THE PROPERTY RECOVERED OR DESTROYED.

14       (6) IF THE PROSECUTING ATTORNEY INTENDS TO SEEK AN ENHANCED  
15 SENTENCE BASED UPON THE DEFENDANT HAVING 1 OR MORE PRIOR CONVIC-  
16 TIONS, THE PROSECUTING ATTORNEY SHALL INCLUDE ON THE COMPLAINT  
17 AND INFORMATION A STATEMENT LISTING THE PRIOR CONVICTION OR  
18 CONVICTIONS. THE EXISTENCE OF THE DEFENDANT'S PRIOR CONVICTION  
19 OR CONVICTIONS SHALL BE DETERMINED BY THE COURT, WITHOUT A JURY,  
20 AT SENTENCING OR AT A SEPARATE HEARING FOR THAT PURPOSE BEFORE  
21 SENTENCING. THE EXISTENCE OF A PRIOR CONVICTION MAY BE ESTAB-  
22 LISHED BY ANY EVIDENCE RELEVANT FOR THAT PURPOSE, INCLUDING, BUT  
23 NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

24       (A) A COPY OF THE JUDGMENT OF CONVICTION.

25       (B) A TRANSCRIPT OF A PRIOR TRIAL, PLEA-TAKING, OR  
26 SENTENCING.

**SB410, As Passed House, October 4, 2001**

Senate Bill No. 410

12

1 (C) INFORMATION CONTAINED IN A PRESENTENCE REPORT.

2 (D) THE DEFENDANT'S STATEMENT.

3 (7) IF THE SENTENCE FOR A CONVICTION UNDER THIS SECTION IS  
4 ENHANCED BY 1 OR MORE PRIOR CONVICTIONS, THOSE PRIOR CONVICTIONS  
5 SHALL NOT BE USED TO FURTHER ENHANCE THE SENTENCE FOR THE CONVIC-  
6 TION PURSUANT TO SECTION 10, 11, OR 12 OF CHAPTER IX OF THE CODE  
7 OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.10, 769.11, AND  
8 769.12.

9 Enacting section 1. This amendatory act takes effect  
10 January 1, 2002.