

Criminal procedure; sentencing guidelines; sentencing guidelines
for conducting certain aeronautic violations; provide for.

CRIMINAL PROCEDURE: Sentencing guidelines; AERONAUTICS: Other

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending sections 1 and 12 of chapter XVII (MCL 777.1 and
777.12), section 1 of chapter XVII as amended by 2000 PA 279 and
section 12 of chapter XVII as amended by 2000 PA 459.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVII

Sec. 1. As used in this chapter:

(a) "Aircraft" means that term as defined in section ~~4~~ 2
of the aeronautics code of the state of Michigan, 1945 PA 327,
MCL ~~259.4~~ 259.2.

(b) "Departure" means that term as defined in section 31 of
chapter IX.

(c) "Homicide" means any crime in which the death of a human
being is an element of that crime.

(d) "Intermediate sanction" means that term as defined in section 31 of chapter IX.

(e) "ORV" means that term as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101.

(f) "Snowmobile" means that term as defined in section 82101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101.

(g) "Vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL ~~257.49~~ 257.79.

(h) "Vessel" means that term as defined in section 80104 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80104.

Sec. 12. This chapter applies to the following felonies enumerated in chapters 200 to 299 of the Michigan Compiled Laws:

| M.C.L. Max | Category | Class | Description | Stat |
|-----------------------|-----------------|--------------|---|-------------|
| 205.27(1)(a) | Pub | trst | G Failure to file or false tax return or payment | 5 |
| 205.27(1)(b) | Pub | trst | G Aiding and abetting tax evasion or filing false returns | 5 |
| 205.27(1)(c) | Pub | trst | G Making/permitting false tax returns or payments | 5 |
| 205.27(3) | Pub | trst | G False tax returns/perjury | 15 |
| 205.28(1)(e) | Pub | trst | G State employee compromising taxes | 5 |
| 205.28(1)(f) | Pub | trst | G Unauthorized disclosure of tax information | 5 |
| 205.428(2) | Pub | trst | G Tobacco products tax act violations | 5 |

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|-----------------------|-------------|----------|---|---|----|
| 1 2 3 4 5 | 205.428(3) | Pub trst | G | Illegal sale of cigarettes or other tobacco products with wholesale price of \$250.00 or more | 5 |
| 6 7 | 205.428(6) | Pub trst | F | Illegal tobacco stamp or tobacco stamp device | 10 |
| 8 9 10 | 205.428(7) | Pub trst | G | Illegal vending machine license, disk, or marker | 5 |
| 11 12 | 207.118a | Pub ord | G | Gasoline tax -- embezzlement over \$100 | 10 |
| 13 14 | 207.119 | Pub trst | G | Gasoline or motor fuel tax violation | 4 |
| 15 16 | 207.127c | Pub ord | G | Diesel fuel tax -- embezzlement over \$100 | 10 |
| 17 18 19 20 | 207.754(3) | Pub trst | G | State treasurer -- municipality tax -- divulging confidential information | 5 |
| 21 22 23 | 252.311 | Property | H | Destroying a tree or shrub to make a sign more visible | 2 |
| 24 | 257.233a(7) | Pub ord | G | Odometer tampering | 5 |
| 25 26 | 257.254 | Property | E | Possessing stolen vehicle title | 10 |
| 27 28 29 | 257.257(1) | Property | G | Altering or forging vehicle documents -- first offense | 5 |
| 30 31 32 | 257.257(2) | Property | G | Altering or forging vehicle documents -- second offense | 7 |
| 33 34 35 | 257.257(3) | Property | E | Altering or forging vehicle documents -- third or subsequent offense | 15 |
| 36 37 | 257.309(6) | Pub ord | F | Corrupting an examining officer | 5 |
| 38 39 | 257.309(7) | Pub ord | F | Deviating from road test criteria | 5 |

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| 1 2 3 | 257.309(8) | Pub ord | F | Forging, counterfeiting, or altering road test certification | 5 |
| 4 5 6 | 257.312b(6) | Pub ord | F | Corrupting a person or agency conducting a motorcycle driving test | 5 |
| 7 8 | 257.312b(7) | Pub ord | F | Deviating from motorcycle road test criteria | 5 |
| 9 10 11 | 257.312b(8) | Pub ord | F | Forging, counterfeiting, or altering motorcycle road test certification | 5 |
| 12 13 14 | 257.329(1) | Property | G | Possession/sale of stolen or counterfeit insur- ance certificates | 5 |
| 15 16 17 18 | 257.329(2) | Property | E | Possession/sale of stolen or counterfeit insur- ance certificates -- second offense | 7 |
| 19 20 21 22 23 | 257.329(3) | Property | E | Possession/sale of stolen or counterfeit insur- ance certificates -- third or subsequent offense | 15 |
| 24 25 | 257.602a(2) | Pub saf | G | Fleeing and eluding -- fourth degree | 2 |
| 26 27 | 257.602a(3) | Pub saf | E | Fleeing and eluding -- third degree | 5 |
| 28 29 | 257.602a(4) | Person | D | Fleeing and eluding -- second degree | 10 |
| 30 31 | 257.602a(5) | Person | C | Fleeing and eluding -- first degree | 15 |
| 32 33 34 | 257.617 | Person | E | Failure to stop at scene of a serious personal injury accident | 5 |
| 35 36 37 | 257.625(4)(a) | Person | C | Operating a vehicle under the influence or while impaired causing death | 15 |
| 38 39 40 41 | 257.625(4)(b) | Person | B | Operating a vehicle under the influence or while impaired causing death to emergency personnel | 20 |

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| 1 | 257.625(5) | Person | E | Operating a vehicle under | |
| 2 | | | | the influence or while | |
| 3 | | | | impaired causing seri- | |
| 4 | | | | ous impairment | 5 |
| 5 | 257.625(7)(a)(ii) | Person | E | Operating a vehicle under | |
| 6 | | | | the influence or while | |
| 7 | | | | impaired with a minor | |
| 8 | | | | in the vehicle -- sub- | |
| 9 | | | | sequent offense | 5 |
| 10 | 257.625(8)(c) | Pub saf | E | Operating a vehicle under | |
| 11 | | | | the influence -- third | |
| 12 | | | | or subsequent offense | 5 |
| 13 | 257.625(9)(b) | Person | E | Allowing a vehicle to be | |
| 14 | | | | operated while under | |
| 15 | | | | the influence or | |
| 16 | | | | impaired causing death | 5 |
| 17 | 257.625(9)(c) | Person | G | Allowing a vehicle to be | |
| 18 | | | | operated while under | |
| 19 | | | | the influence or | |
| 20 | | | | impaired causing seri- | |
| 21 | | | | ous impairment | 2 |
| 22 | 257.625(10)(c) | Pub saf | E | Impaired driving -- third | |
| 23 | | | | or subsequent offense | 5 |
| 24 | 257.625k(7) | Pub saf | D | Knowingly providing false | |
| 25 | | | | information concerning | |
| 26 | | | | an ignition interlock | |
| 27 | | | | device | 10 |
| 28 | 257.625k(9) | Pub saf | D | Failure to report that an | |
| 29 | | | | ignition interlock | |
| 30 | | | | device does not meet | |
| 31 | | | | legal requirements | 10 |
| 32 | 257.625m(5) | Pub saf | E | Commercial drunk driving | |
| 33 | | | | -- third or subsequent | |
| 34 | | | | offense | 5 |
| 35 | 257.653a(3) | Person | G | Failure to use due care | |
| 36 | | | | and caution causing | |
| 37 | | | | injury to emergency | |
| 38 | | | | personnel | 2 |
| 39 | 257.653a(4) | Person | C | Failure to use due care | |
| 40 | | | | and caution causing | |
| 41 | | | | death to emergency | |
| 42 | | | | personnel | 15 |

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| 1 2 | 257.744a | Pub saf | D | False statement in citation -- perjury | 15 |
| 3 4 | 257.902 | Pub saf | E | Motor vehicle code violations | 5 |
| 5 6 7 | 257.903(1) | Property | E | Motor vehicle code -- false certification -- first offense | 5 |
| 8 9 10 | 257.903(2) | Property | E | Motor vehicle code -- false certification -- second offense | 7 |
| 11 12 13 14 | 257.903(3) | Property | D | Motor vehicle code -- false certification -- third or subsequent offense | 15 |
| 15 16 17 | 257.904(4) | Person | C | Operating a vehicle with- out a license causing death | 15 |
| 18 19 20 | 257.904(5) | Person | E | Operating a vehicle with- out a license causing serious impairment | 5 |
| 21 22 23 24 | 257.904(7) | Person | G | Allowing a vehicle to be operated without a license causing serious impairment | 2 |
| 25 26 27 | | Person | E | Allowing a vehicle to be operated without a license causing death | 5 |
| 28 29 30 | 257.1353(2) | Pub trst | H | Motor vehicle -- fail to record material matter -- subsequent offense | 2 |
| 31 32 33 | 257.1354(2) | Pub trst | H | Motor vehicle -- general violations -- subse- quent offense | 2 |
| 34 35 36 37 | 257.1355 | Pub trst | H | Motor vehicle -- fail to record transaction/falsify records | 2 |
| 38 39 40 41 42 | 259.83(2)(B) | PUB SAF | G | AIRCRAFT -- FAILURE TO COMPLY WITH CERTIFICA- TION REQUIREMENTS UNDER FEDERAL LAW -- SECOND OFFENSE | 2 |

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| 1 2 3 4 5 | 259.83(2)(C) | PUB SAF | F | AIRCRAFT -- FAILURE TO COMPLY WITH CERTIFICA- TION REQUIREMENTS UNDER FEDERAL LAW -- THIRD OR SUBSEQUENT OFFENSE | 4 |
| 6 7 8 | 259.83B(2)(A) | PUB SAF | F | CONDUCTING FLIGHT OPERA- TIONS WITHOUT CERTIFICATE | 4 |
| 9 10 11 | 259.83B(2)(B) | PUB SAF | E | CONDUCTING FLIGHT OPERA- TIONS WITHOUT CERTIFI- CATE -- SECOND OFFENSE | 5 |
| 12 13 14 15 | 259.83B(2)(C) | PUB SAF | D | CONDUCTING FLIGHT OPERA- TIONS WITHOUT CERTIFI- CATE -- THIRD OR SUBSE- QUENT OFFENSE | 10 |
| 16 17 | 259.183 | Property | E | Aircraft -- unlawful taking or tampering | 5 |
| 18 19 20 21 | 259.185(4) | Person | C | Operating or serving as crew of aircraft while under the influence causing death | 15 |
| 22 23 24 25 26 | 259.185(5) | Person | E | Operating or serving as crew of aircraft while under the influence causing serious impairment | 5 |
| 27 28 29 30 31 | 259.185(8) | Pub saf | E | Operating or serving as crew of aircraft while under the influence -- third or subsequent offense | 5 |
| 32 33 | 285.82 | Pub trst | H | Grain dealers act violations | 5 |
| 34 35 | 285.279 | Pub trst | E | Falsely obtaining money -- agricultural land | 10 |
| 36 37 | 286.455(2) | Pub saf | G | Agriculture -- hazardous substance | 5 |
| 38 39 | 286.929(4) | Pub trst | G | Organic products act violations | 4 |
| 40 41 | 287.77(1) | Pub saf | H | Agriculture -- livestock condemnation | 4 |

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| 1 | 287.323(1) | Person | C | Dangerous animal causing death | 15 |
| 2 | | | | | |
| 3 | 287.323(2) | Person | G | Dangerous animal causing serious injury | 4 |
| 4 | | | | | |
| 5 | 287.679 | Pub ord | H | Dead animals | 1 |
| 6 | 287.744(1) | Pub ord | G | Animal industry act violations | 5 |
| 7 | | | | | |
| 8 | 287.855 | Pub saf | G | Agriculture -- contaminating livestock/false statement/violation of quarantine | 5 |
| 9 | | | | | |
| 10 | | | | | |
| 11 | | | | | |
| 12 | 287.967(5) | Pub ord | G | Cervidae producer violation | 4 |
| 13 | | | | | |
| 14 | 288.223 | Pub saf | G | Sale or labeling of oleo-margarine violations | 3 |
| 15 | | | | | |
| 16 | 288.257 | Pub saf | G | Margarine violations | 3 |
| 17 | 288.284 | Pub trst | H | Selling falsely branded cheese | 2 |
| 18 | | | | | |
| 19 | 289.5107(2) | Pub saf | F | Adulterated, misbranded, or falsely identified food | 4 |
| 20 | | | | | |
| 21 | | | | | |
| 22 | 290.629(1) | Person | G | Weights and measures -- assaults enforcement officer | 2 |
| 23 | | | | | |
| 24 | | | | | |
| 25 | 290.631(3) | Pub trst | G | Weights and measures | 5 |
| 26 | 290.650 | Person | G | Motor fuels -- assaulting/obstructing director or authorized representative | 2 |
| 27 | | | | | |
| 28 | | | | | |
| 29 | | | | | |
| 30 | 290.650b(3) | Pub trst | H | Motor fuels violations | 2 |
| 31 | Enacting section 1. This amendatory act does not take | | | | |
| 32 | effect unless Senate Bill No. _____ or House Bill No. _____ | | | | |
| 33 | (request no. 02674'01 *) of the 91st Legislature is enacted into | | | | |
| 34 | law. | | | | |