

SENATE BILL No. 675

September 26, 2001, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending sections 12 and 17 (MCL 777.12 and 777.17), section
12 as amended by 2001 PA 104 and section 17 as amended by 2000 PA
300.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3	M.C.L.	Category Class Description			Stat Max
4	205.27(1)(a)	Pub	trst	G Failure to file or false	5
5				tax return or payment	
6	205.27(1)(b)	Pub	trst	G Aiding and abetting tax	5
7				evasion or filing false	
8				returns	
9	205.27(1)(c)	Pub	trst	G Making/permitting false	5
10				tax returns or payments	

1	205.27(3)	Pub trst	G	False tax returns/perjury	15
2	205.28(1)(e)	Pub trst	G	State employee compromising taxes	5
3					
4	205.28(1)(f)	Pub trst	G	Unauthorized disclosure of tax information	5
5					
6	205.428(2)	Pub trst	G	Tobacco products tax act violations	5
7					
8	205.428(3)	Pub trst	G	Illegal sale of cigarettes or other tobacco products with wholesale price of \$250.00 or more	5
9					
10					
11					
12					
13	205.428(6)	Pub trst	F	Illegal tobacco stamp or tobacco stamp device	10
14					
15	205.428(7)	Pub trst	G	Illegal vending machine license, disk, or marker	5
16					
17					
18	207.118a	Pub ord	G	Gasoline tax -- embezzlement over \$100	10
19					
20	207.119	Pub trst	G	Gasoline or motor fuel tax violation	4
21					
22	207.127c	Pub ord	G	Diesel fuel tax -- embezzlement over \$100	10
23					
24	207.754(3)	Pub trst	G	State treasurer -- municipality tax -- divulging confidential information	5
25					
26					
27					
28	252.311	Property	H	Destroying a tree or shrub to make a sign more visible	2
29					
30					
31	257.233a(7)	Pub ord	G	Odometer tampering	5
32	257.254	Property	E	Possessing stolen vehicle title	10
33					
34	257.257(1)	Property	G	Altering or forging vehicle documents -- first offense	5
35					
36					
37	257.257(2)	Property	G	Altering or forging vehicle documents -- second offense	7
38					
39					

1 2 3 4	257.257(3)	Property	E	Altering or forging vehicle documents -- third or subsequent offense	15
5 6	257.309(6)	Pub ord	F	Corrupting an examining officer	5
7 8	257.309(7)	Pub ord	F	Deviating from road test criteria	5
9 10 11	257.309(8)	Pub ord	F	Forging, counterfeiting, or altering road test certification	5
12 13 14	257.312b(6)	Pub ord	F	Corrupting a person or agency conducting a motorcycle driving test	5
15 16	257.312b(7)	Pub ord	F	Deviating from motorcycle road test criteria	5
17 18 19	257.312b(8)	Pub ord	F	Forging, counterfeiting, or altering motorcycle road test certification	5
20 21 22	257.329(1)	Property	G	Possession/sale of stolen or counterfeit insurance certificates	5
23 24 25 26	257.329(2)	Property	E	Possession/sale of stolen or counterfeit insurance certificates -- second offense	7
27 28 29 30 31	257.329(3)	Property	E	Possession/sale of stolen or counterfeit insurance certificates -- third or subsequent offense	15
32 33 34	257.601b(3)	Person	C	Moving violation causing death to construction worker	15
35 36 37	257.601c(2)	Person	C	Moving violation causing death to operator of implement of husbandry	15
38 39	257.602a(2)	Pub saf	G	Fleeing and eluding -- fourth degree	2
40 41	257.602a(3)	Pub saf	E	Fleeing and eluding -- third degree	5

1 2	257.602a(4)	Person	D	Fleeing and eluding -- second degree	10
3 4	257.602a(5)	Person	C	Fleeing and eluding -- first degree	15
5 6 7	257.617	Person	E	Failure to stop at scene of a serious personal injury accident	5
8 9 10	257.625(4)(a)	Person	C	Operating a vehicle under the influence or while impaired causing death	15
11 12 13 14	257.625(4)(b)	Person	B	Operating a vehicle under the influence or while impaired causing death to certain persons	20
15 16 17 18	257.625(5)	Person	E	Operating a vehicle under the influence or while impaired causing seri- ous impairment	5
19 20 21 22 23	257.625(7)(a)(ii)	Person	E	Operating a vehicle under the influence or while impaired with a minor in the vehicle -- sub- sequent offense	5
24 25 26	257.625(8)(c)	Pub saf	E	Operating a vehicle under the influence -- third or subsequent offense	5
27 28 29 30	257.625(9)(b)	Person	E	Allowing a vehicle to be operated while under the influence or impaired causing death	5
31 32 33 34 35	257.625(9)(c)	Person	G	Allowing a vehicle to be operated while under the influence or impaired causing seri- ous impairment	2
36 37	257.625(10)(c)	Pub saf	E	Impaired driving -- third or subsequent offense	5
38 39 40 41	257.625k(7)	Pub saf	D	Knowingly providing false information concerning an ignition interlock device	10

1	257.625k(9)	Pub saf	D	Failure to report illegal ignition interlock device	10
2					
3					
4	257.625m(5)	Pub saf	E	Commercial drunk driving -- third or subsequent offense	5
5					
6					
7	257.626C	PERSON	G	FELONIOUS DRIVING	2
8	257.653a(3)	Person	G	Failure to use due care and caution causing injury to emergency personnel	2
9					
10					
11					
12	257.653a(4)	Person	C	Failure to use due care and caution causing death to emergency personnel	15
13					
14					
15					
16	257.744a	Pub saf	D	False statement in citation -- perjury	15
17					
18	257.902	Pub saf	E	Motor vehicle code violations	5
19					
20	257.903(1)	Property	E	Motor vehicle code -- false certification -- first offense	5
21					
22					
23	257.903(2)	Property	E	Motor vehicle code -- false certification -- second offense	7
24					
25					
26	257.903(3)	Property	D	Motor vehicle code -- false certification -- third or subsequent offense	15
27					
28					
29					
30	257.904(4)	Person	C	Operating a vehicle without a license causing death	15
31					
32					
33	257.904(5)	Person	E	Operating a vehicle without a license causing serious impairment	5
34					
35					
36	257.904(7)	Person	G	Allowing a vehicle to be operated without a license causing serious impairment	2
37					
38					
39					

1		Person	E	Allowing a vehicle to be	
2				operated without a	
3				license causing death	5
4	257.1353(2)	Pub trst	H	Motor vehicle -- fail to	
5				record material matter	
6				-- subsequent offense	2
7	257.1354(2)	Pub trst	H	Motor vehicle -- general	
8				violations -- subse-	
9				quent offense	2
10	257.1355	Pub trst	H	Motor vehicle -- fail to	
11				record	
12				transaction/falsify	
13				records	2
14	259.183	Property	E	Aircraft -- unlawful	
15				taking or tampering	5
16	259.185(4)	Person	C	Operating or serving as	
17				crew of aircraft while	
18				under the influence	
19				causing death	15
20	259.185(5)	Person	E	Operating or serving as	
21				crew of aircraft while	
22				under the influence	
23				causing serious	
24				impairment	5
25	259.185(8)	Pub saf	E	Operating or serving as	
26				crew of aircraft while	
27				under the influence --	
28				third or subsequent	
29				offense	5
30	285.82	Pub trst	H	Grain dealers act	
31				violations	5
32	285.279	Pub trst	E	Falsely obtaining money	
33				-- agricultural land	10
34	286.455(2)	Pub saf	G	Agriculture -- hazardous	
35				substance	5
36	286.929(4)	Pub trst	G	Organic products act	
37				violations	4
38	287.323(1)	Person	C	Dangerous animal causing	
39				death	15
40	287.323(2)	Person	G	Dangerous animal causing	
41				serious injury	4

1	287.679	Pub ord	H	Dead animals -- third or	
2				subsequent violation	1
3	287.744(1)	Pub ord	G	Animal industry act	
4				violations	5
5	287.855	Pub saf	G	Agriculture -- contami-	
6				nating livestock/false	
7				statement/violation of	
8				quarantine	5
9	287.967(5)	Pub ord	G	Cervidae producer	
10				violations	4
11	288.223	Pub saf	G	Sale or labeling of oleo-	
12				margarine violations	3
13	288.257	Pub saf	G	Margarine violations	3
14	288.284	Pub trst	H	Selling falsely branded	
15				cheese	2
16	289.5107(2)	Pub saf	F	Adulterated, misbranded,	
17				or falsely identified	
18				food	4
19	290.629(1)	Person	G	Weights and measures --	
20				assaults enforcement	
21				officer	2
22	290.631(3)	Pub trst	G	Weights and measures	5
23	290.650	Person	G	Motor fuels --	
24				assaulting/obstructing	
25				director or authorized	
26				representative	2
27	290.650b(3)	Pub trst	H	Motor fuels violations	2
28	Sec. 17. (1) This chapter applies to the following felonies				
29	enumerated in chapters 751 to 830 of the Michigan Compiled Laws:				
30	M.C.L.	Category	Class	Description	Stat Max
31	752.191	Pub saf	G	Felonious driving	2
32	752.273(2)(c)				
33	752.272A(2)(C)	Pub saf	F	Sale or distribution of	
34				nitrous oxide device --	
35				2 or more prior	
36				convictions	4

1	752.365(3)	Pub ord	G	Obscenity -- subsequent offense	2
2					
3	752.541	Pub saf	D	Riot	10
4	752.542	Pub saf	D	Incitement to riot	10
5	752.542a	Pub saf	D	Riot in state correc-	
6				tional facilities	10
7	752.543	Pub saf	G	Unlawful assembly	5
8	752.797(1)(c)	Property	E	Computer fraud -- 2 prior	
9				convictions or value of	
10				\$1,000 to \$20,000	5
11	752.797(1)(d)	Property	D	Computer fraud -- 3 or	
12				more prior convictions	
13				or value of \$20,000 or	
14				more	10
15	752.797(2)(a)	Property	E	Unlawfully accessing com-	
16				puter, computer system,	
17				or computer program	5
18	752.797(2)(b)	Property	D	Unlawfully accessing com-	
19				puter, computer system,	
20				or computer program,	
21				with prior conviction	10
22	752.797(3)(b)	Variable	G	Using computer to commit	
23				crime punishable by a	
24				maximum term of impris-	
25				onment of more than	
26				1 year but less than	
27				2 years	2
28	752.797(3)(c)	Variable	F	Using computer to commit	
29				crime punishable by a	
30				maximum term of impris-	
31				onment of at least	
32				2 years but less than	
33				4 years	4
34	752.797(3)(d)	Variable	D	Using computer to commit	
35				crime punishable by a	
36				maximum term of impris-	
37				onment of at least	
38				4 years but less than	
39				10 years	7
40	752.797(3)(e)	Variable	D	Using computer to commit	
41				crime punishable by a	
42				maximum term of	

1				imprisonment of at	
2				least 10 years but less	
3				than 20 years	10
4	752.797(3)(f)	Variable	B	Using computer to commit	
5				crime punishable by a	
6				maximum term of impris-	
7				onment of at least	
8				20 years or for life	20
9	752.802	Property	H	Vending machines --	
10				manufacture/sale of	
11				slugs	5
12	752.811	Property	H	Breaking and entering a	
13				coin operated device	3
14	752.861	Person	G	Careless discharge of	
15				firearm causing injury	
16				or death	2
17	752.881	Person	G	Reckless use of bow and	
18				arrow resulting in	
19				injury or death	2
20	752.1003	Property	F	Health care fraud --	
21				false claim/state,	
22				unnecessary, conceal	
23				information	4
24	752.1004	Property	F	Health care fraud --	
25				kickbacks/referral fees	4
26	752.1005	Property	H	Health care fraud --	
27				conspiracy	10
28	752.1006	Property	D	Health care fraud -- sub-	
29				sequent offense	20
30	752.1054(2)	Property	G	Copying audio/video	
31				recordings for gain	5
32	764.1e	Pub trst	C	Peace officer -- false	
33				statement in a	
34				complaint	15
35	767.4a	Pub trst	F	Disclosing or possessing	
36				grand jury information	4
37	767A.9(a)				
38	767A.9(a)	Pub trst	C	Perjury committed in	
39				prosecutor's	
40				investigative hearing	
41				-- noncapital crime	15

1	767a.9(b)					
2	767A.9(b)	Pub trst	B	Perjury committed in		
3				prosecutor's investiga-		
4				tive hearing -- capital		
5				crime		Life
6	800.281(1)	Pub saf	H	Furnishing prisoner with		
7				contraband		5
8	800.281(2)	Pub saf	H	Furnishing prisoner with		
9				contraband outside		5
10	800.281(3)	Pub saf	H	Bringing contraband into		
11				prisons		5
12	800.281(4)	Pub saf	E	Prisoner possessing		
13				contraband		5
14	800.283(1)	Pub saf	E	Furnishing weapon to		
15				prisoner in prison		5
16	800.283(2)	Pub saf	E	Prisons -- knowledge of a		
17				weapon in a correc-		
18				tional facility		5
19	800.283(3)	Pub saf	E	Bringing weapon into		
20				prison		5
21	800.283(4)	Pub saf	E	Prisoner possessing		
22				weapon		5
23	801.262(1)(a)	Pub saf	E	Bringing weapon into jail		5
24	801.262(1)(b)	Pub saf	E	Furnishing weapon to		
25				prisoner in jail		5
26	801.262(2)	Pub saf	E	Prisoner in jail possess-		
27				ing weapon		5
28	801.263(1)	Pub saf	H	Furnishing contraband to		
29				prisoner in jail		5
30	801.263(2)	Pub saf	H	Prisoner in jail possess-		
31				ing contraband		5

32 (2) For a violation of section 797(3) of 1979 PA 53,
 33 MCL 752.797, determine the offense category, offense variable
 34 level, and prior record variable level based on the underlying
 35 offense.

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

3 Enacting section 2. This amendatory act does not take
4 effect unless House Bill No. 4813 of the 91st Legislature is
5 enacted into law.