

Act No. 29
Public Acts of 2002
Approved by the Governor
March 7, 2002
Filed with the Secretary of State
March 7, 2002
EFFECTIVE DATE: April 1, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Reps. O'Neil, Julian, Faunce and McConico

ENROLLED HOUSE BILL No. 5390

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 section 14 of chapter XVII (MCL 777.14), as amended by 2000 PA 363, and by adding sections 14a, 14b, 14c, 14d, 14f, 14g, 14h, 14j, 14m, and 14p to chapter XVII.

The People of the State of Michigan enact:

CHAPTER XVII

Sec. 14. This chapter applies to felonies enumerated in chapters 400 to 499 of the Michigan Compiled Laws as set forth in sections 14a to 14p.

Sec. 14a. This chapter applies to the following felonies enumerated in chapters 400 to 407 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
400.60(2)	Property	H	Welfare — obtaining over \$500 by failure to inform	4
400.603	Pub trst	G	Medicaid fraud — false statement in benefit/ concealing information	4
400.604	Pub trst	G	Medicaid fraud — kickback/referral fees	4

400.605	Pub trst	G	Medicaid fraud — false statement regarding institutions	4
400.606	Property	E	Medicaid fraud — conspiracy	10
400.607	Pub trst	G	Medicaid fraud — false claim/medically unnecessary	4
400.609	Property	D	Medicaid fraud — fourth or subsequent offense	10
400.713(13)	Pub saf	H	Adult foster care — unlicensed facility	2
	Pub saf	F	Adult foster care — unlicensed facility — subsequent violation	5
400.722(4)	Pub saf	F	Adult foster care — maintaining operation after refusal of licensure	5

Sec. 14b. This chapter applies to the following felonies enumerated in chapters 408 to 420 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
408.1035(5)	Person	H	MIOsha violation causing employee death	1
	Person	G	MIOsha violation causing employee death — subsequent offense	3
408.1035a(5)	Person	H	MIOsha violation causing employee death	1
	Person	G	MIOsha violation causing employee death — subsequent offense	3
409.122(2)	Person	G	Employment of children during certain hours — second offense	2
	Person	E	Employment of children during certain hours — third or subsequent offense	10
409.122(3)	Person	D	Employment of children in child sexually abusive activity	20

Sec. 14c. This chapter applies to the following felonies enumerated in chapter 421 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
421.54(a)(i)(B)	Property	H	Unemployment comp fraud — failure to comply with act/rule \$25,000-\$100,000	2
421.54(a)(i)(C)	Property	G	Unemployment comp fraud — failure to comply with act/rule over \$100,000	5
421.54(a)(iv)(B)	Property	H	Unemployment comp fraud — willful violation of act/rule over \$100,000	2
421.54(b)(i)(B)	Property	H	Unemployment comp fraud — false statement or misrepresentation over \$25,000	2
421.54(b)(i)(C)	Property	H	Unemployment comp fraud — false statement or misrepresentation without actual loss	2
421.54(d)	Property	H	Unemployment comp fraud — disclose confidential information for financial gain	1
421.54a	Property	G	Unemployment comp fraud — false statement as condition of employment	10
421.54b(b)(i)	Property	H	Unemployment comp fraud — conspiracy with loss of \$25,000 or less	2
421.54b(b)(ii)	Property	G	Unemployment comp fraud — conspiracy with loss over \$25,000	5
421.54b(b)(iii)	Property	H	Unemployment comp fraud — conspiracy with no actual loss	2
421.54c(b)(ii)	Property	H	Unemployment comp fraud — embezzlement of \$25,000 to under \$100,000	2
421.54c(b)(iii)	Property	G	Unemployment comp fraud — embezzlement of \$100,000 or more	5
421.54c(b)(iv)	Property	H	Unemployment comp fraud — embezzlement with no actual loss	2

Sec. 14d. This chapter applies to the following felonies enumerated in chapters 422 to 432 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
431.257	Pub trst	G	Racing, boxing and exhibition racing	2
431.307(8)	Pub trst	G	Horse racing — testifying falsely to commissioner while under oath	4
431.330(4)	Pub trst	G	Horse racing — administering a drug that could affect racing condition	5
431.332	Pub trst	G	Horse racing — influencing or attempting to influence result of race	5
432.30	Property	G	Lottery — forgery of tickets	5
432.218	Pub ord	D	Casino gaming offenses	10

Sec. 14f. This chapter applies to the following felonies enumerated in chapter 436 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
436.1701(2)	Person	D	Selling alcohol to a minor and causing death	10
436.1909(3)	Pub ord	H	Liquor violation	1
436.1919	Pub ord	H	Fraudulent documents, labels, or stamps	1

Sec. 14g. This chapter applies to the following felonies enumerated in chapters 437 to 444 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
438.41	Property	E	Criminal usury	5
440.9320(8)	Property	G	Farming — illegal sale of secured products	3
442.219	Pub trst	E	Sales — false statement	5
443.50	Pub trst	E	Issuing warehouse receipt for goods not received	5
443.52	Pub trst	E	Issuing duplicate warehouse receipt not so marked	5
444.13	Pub trst	H	Warehousemen and warehouse receipts	2
444.107	Pub trst	E	Warehouse certificates — willfully alter or destroy	5

Sec. 14h. This chapter applies to the following felonies enumerated in chapter 445 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
445.487(2)	Pub ord	H	Precious metal and gem dealer failure to record material matter — subsequent offense	2
445.488(2)	Pub ord	H	Precious metal and gem dealer violations — subsequent offense	2
445.489	Pub ord	H	Precious metal and gem dealer violations	2
445.490	Pub ord	H	Precious metal and gem dealer failure to obtain a certificate of registration	2
445.779	Pub ord	H	Antitrust violation	2
445.1505	Pub trst	G	Franchise investment law — fraudulent filing/offers	7
445.1508	Pub trst	G	Franchise investment law — sale without proper disclosure	7
445.1513	Pub trst	G	Franchise investment law — illegal offers/sales	7
445.1520	Pub trst	G	Franchise investment law — keeping records	7
445.1521	Pub trst	G	Franchise investment law — false representation	7
445.1523	Pub trst	G	Franchise investment law — false statements of material fact	7
445.1525	Pub trst	G	Franchise investment law — false advertising	7
445.1528	Pub trst	D	Pyramid/chain promotions — offer or sell	7

445.1671	Pub trst	E	Mortgage brokers, lenders — knowingly giving a false statement	15
445.1679	Pub trst	H	Mortgage brokers act — general violations	3

Sec. 14j. This chapter applies to the following felonies enumerated in chapters 450 and 451 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
450.775	Pub ord	H	Corporations — minority and woman owned businesses	2
450.795	Pub ord	H	Corporations — handicapper business opportunity act	2
451.319	Pub trst	G	Securities, real estate, and debt management — violation	2
451.434	Pub trst	H	Debt management act — licensee violations	2
451.501	Pub trst	E	Blue sky laws — fraudulent schemes/statements	10
451.502	Pub trst	E	Blue sky laws — investment advisor/agent fraud	10
451.503	Pub trst	E	Blue sky laws — make/sell false bullion/certificates	10
451.601	Pub trst	E	Blue sky laws — unregistered broker/dealer/agent/advisor	10
451.603(h)	Pub trst	E	Blue sky laws — fail to notify administrator of sanctions	10
451.604(a)(1)(j) to (s) and (v) to (z)	Pub trst	E	Blue sky laws — various violations	10
451.701	Pub trst	E	Blue sky laws — offer/sell unregistered securities	10
451.802	Pub trst	E	Blue sky laws — unlawfully selling securities	10
451.804	Pub trst	E	Blue sky laws — willful false statements	10
451.805(b)	Pub trst	E	Blue sky laws — false representation of administrative approval	10
451.806(b)	Pub trst	E	Blue sky laws — improper disclosure by cor and sec bur employee	10

Sec. 14m. This chapter applies to the following felonies enumerated in chapters 460 to 473 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
462.257(1)	Person	A	Trains — endangering travel	Life
462.353(5)	Pub saf	E	Operating a locomotive under the influence — third or subsequent offense	4
472.36	Pub saf	A	Street railways — obstruction of track	Life

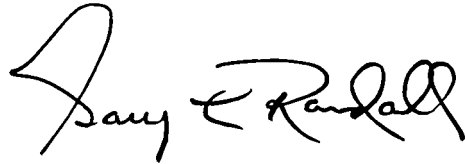
Sec. 14p. This chapter applies to the following felonies enumerated in chapters 482 to 499 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
482.44	Property	H	Bills of lading — issuance for goods not received	5
482.46	Property	H	Bills of lading — issuance of duplicate not so marked	5
482.48	Property	H	Bills of lading — negotiation when goods not in carriers' possession	5
482.49	Property	H	Bills of lading — inducing carrier to issue when goods have not been received	5
482.50	Property	H	Bills of lading — issuance of non-negotiable bill not so marked	5
483.226	Pub trst	E	Officer of a pipeline company — intent to defraud — stock	10
487.1505(6)	Pub trst	E	BIDCO act — knowingly receiving money or property at an interest rate exceeding 25%	5

492.137(a)	Pub trst	H	Installment sales of motor vehicles	3
493.56a(13)	Pub trst	C	False statement in reports — secondary mortgage	15
493.77(2)	Pub trst	H	Regulatory loans	3

Enacting section 1. This amendatory act takes effect April 1, 2002.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.