SUBSTITUTE FOR

SENATE BILL NO. 53

A bill to amend 1927 PA 175, entitled

"The code of criminal procedure,"

by amending section 17c of chapter XVII (MCL 777.17c), as added

by 2002 PA 28.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XVII

2 Sec. 17c. (1) This chapter applies to the following felonies

3 enumerated in chapter 752 of the Michigan Compiled Laws:

	M.C.L.	Category	Class	Description	Stat Max
4	**M.C.L.**	**Category**	**Class**	**Description**	**Stat Max**
5	752.797(1)(c)	Property	E	Computer fraud — 2 prior convictions or value of $1,000 to $20,000	5

1	752.797(1)(d)	Property	D	Computer fraud — 3 or more prior convictions or value of $20,000 or more	10
2	752.797(2)(a)	Property	E	Unlawfully accessing **OR INSTALLING SPYWARE IN** computer, computer system, or computer program	5
3	752.797(2)(b)	Property	D	Unlawfully accessing **OR INSTALLING SPYWARE IN** computer, computer system, or computer program, with prior conviction	10
4	752.797(3)(b)	Variable	G	Using computer to commit crime punishable by a maximum term of imprisonment of more than 1 year but less than 2 years	2
5	752.797(3)(c)	Variable	F	Using computer to commit crime punishable by a maximum term of imprisonment of at least 2 years but less than 4 years	4
6	752.797(3)(d)	Variable	D	Using computer to commit crime punishable by a maximum term of imprisonment of at least 4 years but less than 10 years	7
7	752.797(3)(e)	Variable	D	Using computer to commit crime punishable by a maximum term of imprisonment of at least 10 years but less than 20 years	10
8	752.797(3)(f)	Variable	B	Using computer to commit crime punishable by a maximum term of imprisonment of at least 20 years or for life	20

1   (2) For a violation of section ~~797(3)~~ **797(4)** of 1979 PA 53,

2 MCL 752.797, determine the offense category, offense variable

3 level, and prior record variable level based on the underlying

4 offense.

5   Enacting section 1. This amendatory act does not take effect

6 unless Senate Bill No. 54 of the 93rd Legislature is enacted into

7 law.