

Act No. 317  
Public Acts of 2010  
Approved by the Governor  
December 21, 2010  
Filed with the Secretary of State  
December 21, 2010  
EFFECTIVE DATE: April 1, 2011

**STATE OF MICHIGAN  
95TH LEGISLATURE  
REGULAR SESSION OF 2010**

Introduced by Senators Basham, Jelinek and Jacobs

# **ENROLLED SENATE BILL No. 226**

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 sections 13p, 14f, and 14h of chapter XVII (MCL 777.13p, 777.14f, and 777.14h), section 13p as amended by 2008 PA 340, section 14f as added by 2002 PA 29, and section 14h as amended by 2008 PA 430.

*The People of the State of Michigan enact:*

## **CHAPTER XVII**

Sec. 13p. This chapter applies to the following felonies enumerated in chapters 338 to 399 of the Michigan Compiled Laws:

<b>M.C.L.</b>	<b>Category</b>	<b>Class</b>	<b>Description</b>	<b>Stat Max</b>
338.823	Pub trst	F	Private detective license act violation	4
338.1053	Pub trst	F	Private security business and security alarm act violation	4
338.3434a(2)	Pub trst	F	Unauthorized disclosure of a social security number — subsequent offense	4
338.3471(1)(b)	Pub trst	G	Michigan immigration clerical assistant act violation — subsequent offense	2

339.601(6)(b)	Pub trst	G	Unauthorized practice of residential building, residential maintenance, or alteration contracting — second or subsequent offense	2
339.601(6)(c)	Pub trst	F	Unauthorized practice of residential building, residential maintenance, or alteration contracting causing serious injury or death	4
339.601(7)(c)	Pub trst	F	Unauthorized practice of, or unauthorized operation of a school teaching, architecture, professional engineering, or professional land surveyor causing serious injury or death	4
339.735	Pub trst	E	Unauthorized practice of public accounting	5
380.1230d(3)(a)	Pub saf	G	Failure by school employee to report charge or conviction	2
380.1816	Pub trst	F	Improper use of bond proceeds	4
388.936	Pub trst	F	Knowingly making false statement — school district loans	4
388.1937	Pub trst	F	Making false statement or concealing material information to obtain qualification of school bond issue or improperly using proceeds of school bonds	4

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

<b>M.C.L.</b>	<b>Category</b>	<b>Class</b>	<b>Description</b>	<b>Stat Max</b>
436.1701(2)	Person	D	Selling alcohol to a minor and causing death	10
436.1909(3)	Pub ord	H	Liquor violation	1
436.1909(4)(a)	Pub ord	F	Unauthorized sale, delivery, or importation of spirits — 80,000 ml or more	4
436.1919	Pub ord	H	Fraudulent documents, labels, or stamps	1

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

<b>M.C.L.</b>	<b>Category</b>	<b>Class</b>	<b>Description</b>	<b>Stat Max</b>
445.65	Pub ord	E	Identity theft	5
	Pub ord	D	Identity theft — second offense	10
	Pub ord	C	Identify theft — third or subsequent offense	15
445.67	Pub ord	E	Solicit, obtain, possess, sell, or transfer personal identifying information of another or falsify a police report with intent to commit identity theft	5
	Pub ord	D	Obtain, possess, sell, or transfer personal identifying information of another or falsify a police report with intent to commit identity theft — second offense	10
	Pub ord	C	Obtain, possess, sell, or transfer personal identifying information of another or falsify a police report with intent to commit identity theft — third or subsequent offense	15
445.408(2)	Pub ord	E	Buying or selling stolen scrap metal	5
445.408(3)	Pub ord	E	Buying or selling stolen scrap metal — subsequent offense	5
445.433(2)	Pub ord	E	Knowingly buying or selling stolen nonferrous metal articles	5
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 failing to record transaction or falsifying transaction record, or making improper purchase	2

445.490	Pub ord	H	Precious metal and gem dealer failure to obtain a certificate of registration	2
445.574a(2)(d)	Pub ord	H	Improper return of 10,000 or more nonrefundable containers	5
445.574a(3)(d)	Pub ord	H	Improper acceptance or delivery of 10,000 or more nonrefundable containers by dealer	5
445.574a(4)(d)	Pub ord	H	Improper acceptance or delivery of 10,000 or more nonrefundable containers by distributor	5
445.667	Pub ord	G	Changing, altering, or modifying reverse vending machine or data for reverse vending machine	2
445.779	Pub ord	H	Antitrust violation	2
445.1505	Pub trst	G	Fraudulent filing, offer, or sale of franchise	7
445.1508	Pub trst	G	Sale of franchise without proper disclosure	7
445.1513	Pub trst	G	Illegal offer or sale of franchise	7
445.1520	Pub trst	G	Failure to keep or maintain record of sale of franchise	7
445.1521	Pub trst	G	False representation of departmental finding, recommendation, or approval of franchise document	7
445.1523	Pub trst	G	False statement of material fact to department of attorney general regarding franchise	7
445.1525	Pub trst	G	False advertising of franchise	7
445.1528	Pub trst	D	Offer or sale of franchise through pyramid or chain promotion	7
445.1671	Pub trst	E	False statement in report required by mortgage broker or lender	15
445.2507(2)	Pub ord	F	Violation of unsolicited commercial e-mail protection act in furtherance of crime	4

Enacting section 1. This amendatory act takes effect April 1, 2011.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

- (a) Senate Bill No. 149.
- (b) Senate Bill No. 223.
- (c) Senate Bill No. 225.

*Carol Morey Viventi*

Secretary of the Senate

*Richard J. Brown*

Clerk of the House of Representatives

Approved .....

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Governor

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 149 was filed with the Secretary of State December 21, 2010, and became 2010 PA 318, Eff. Apr. 1, 2011.

Senate Bill No. 223 was filed with the Secretary of State December 21, 2010, and became 2010 PA 315, Eff. Apr. 1, 2011.

Senate Bill No. 225 was filed with the Secretary of State December 21, 2010, and became 2010 PA 316, Eff. Apr. 1, 2011.