

# HOUSE BILL No. 4867

June 20, 2013, Introduced by Reps. Leonard, Jacobsen, Heise, Lauwers, Kurtz, Schmidt, Graves, Kesto, O'Brien, Poleski and Callton and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 40 of chapter XVII (MCL 777.40), as added by 1998 PA 317.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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CHAPTER XVII

Sec. 40. (1) Offense variable 10 is exploitation of a vulnerable victim. Score offense variable 10 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) Predatory conduct was involved..... 15 points

(b) The offender exploited a victim's physical disability, mental disability, youth or agedness, or a domestic relationship, or the offender abused

1 his or her authority status..... 10 points

2 (c) The offender exploited a victim by his or  
3 her difference in size or strength, or both, or  
4 exploited a victim who was intoxicated, under the  
5 influence of drugs, asleep, or unconscious..... 5 points

6 (d) The offender did not exploit a victim's  
7 vulnerability..... 0 points

8 (2) The mere existence of 1 or more factors described in  
9 subsection (1) does not automatically equate with victim  
10 vulnerability.

11 (3) As used in this section:

12 (a) "Predatory conduct" means preoffense conduct directed at  
13 a victim, **OR A LAW ENFORCEMENT OFFICER POSING AS A POTENTIAL**  
14 **VICTIM**, for the primary purpose of victimization.

15 (b) "Exploit" means to manipulate a victim for selfish or  
16 unethical purposes.

17 (c) "Vulnerability" means the readily apparent  
18 susceptibility of a victim to injury, physical restraint,  
19 persuasion, or temptation.

20 (d) "Abuse of authority status" means a victim was exploited  
21 out of fear or deference to an authority figure, including, but  
22 not limited to, a parent, physician, or teacher.