

SUBSTITUTE FOR  
SENATE BILL NO. 867

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 16g of chapter XVII (MCL 777.16g), as amended  
by 2012 PA 195.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XVII

2 Sec. 16g. (1) This chapter applies to the following felonies  
3 enumerated in chapter 750 of the Michigan Compiled Laws:

| 4 | M.C.L.         | Category | Class | Description   | Stat Max |
|---|----------------|----------|-------|---|----------|
| 5 | 750.135        | Person   | D     | Exposing children<br>with intent to injure<br>or abandon                        | 10       |
| 6 | 750.135a(2)(c) | Person   | D     | Leaving child<br>unattended in vehicle<br>resulting in serious<br>physical harm | 10       |

|    |                |        |   |   |      |
|----|----------------|--------|---|---|------|
| 1  | 750.135a(2)(d) | Person | B | Leaving child<br>unattended in vehicle<br>resulting in death                                      | 15   |
| 2  | 750.136b(2)    | Person | A | First degree child<br>abuse   | Life |
| 3  | 750.136b(4)(a) | Person | C | Second degree child<br>abuse – first offense  | 10   |
| 4  | 750.136b(4)(b) | Person | B | Second degree child<br>abuse – second or<br>subsequent offense                                    | 20   |
| 5  | 750.136b(6)    | Person | G | Third degree child<br>abuse   | 2    |
| 6  | 750.136c       | Person | B | Buying or selling an<br>individual  | 20   |
| 7  | 750.136d(1)(a) | Person | A | First degree child<br>abuse in presence of<br>another child                                       | Life |
| 8  | 750.136d(1)(b) | Person | D | Second degree child<br>abuse in presence of<br>another child – first<br>offense                   | 10   |
| 9  | 750.136d(1)(c) | Person | B | Second degree child<br>abuse in presence of<br>another child –<br>second or subsequent<br>offense | 20   |
| 10 | 750.136d(1)(d) | Person | G | Third degree child<br>abuse in presence of<br>another child                                       | 2    |
| 11 | 750.145a       | Person | F | Soliciting child to<br>commit an immoral act  | 4    |
| 12 | 750.145b       | Person | D | Accosting children<br>for immoral purposes<br>with prior conviction                               | 10   |

|   |                |          |   |   |    |
|---|----------------|----------|---|---|----|
| 1 | 750.145c(2)    | Person   | B | Producing child sexually abusive activity or material   | 20 |
| 2 | 750.145c(3)    | Person   | D | Distributing, promoting, or financing the distribution of child sexually abusive activity or material                               | 7  |
| 3 | 750.145c(4)    | Person   | F | Possessing child sexually abusive material  | 4  |
| 4 | 750.145d(2)(b) | Variable | G | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 1 year but less than 2 years    | 2  |
| 5 | 750.145d(2)(c) | Variable | F | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 2 years but less than 4 years   | 4  |
| 6 | 750.145d(2)(d) | Variable | D | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 4 years but less than 10 years  | 10 |
| 7 | 750.145d(2)(e) | Variable | C | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 10 years but less than 15 years | 15 |
| 8 | 750.145d(2)(f) | Variable | B | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 15 years or for life            | 20 |

|    |             |        |   |  |    |
|----|-------------|--------|---|--|----|
| 1  | 750.145n(1) | Person | C | First degree<br>vulnerable adult<br>abuse  | 15 |
| 2  | 750.145n(2) | Person | F | Second degree<br>vulnerable adult<br>abuse   | 4  |
| 3  | 750.145n(3) | Person | G | Third degree<br>vulnerable adult<br>abuse  | 2  |
| 4  | 750.145o    | Person | E | Death of vulnerable<br>adult caused by<br>unlicensed caretaker   | 5  |
| 5  | 750.145p(1) | Person | G | Commingle funds of,<br>obstructing<br>investigation<br>regarding, or filing<br>false information<br>regarding, vulnerable<br>adult | 2  |
| 6  | 750.145p(2) | Person | G | Retaliation or<br>discrimination by<br>caregiver against<br>vulnerable adult   | 2  |
| 7  | 750.145p(5) | Person | E | Caregiver or licensee<br>violation against<br>vulnerable adult –<br>subsequent offense   | 5  |
| 8  | 750.145S(2) | PERSON | F | ELDER ABUSE OR<br>VULNERABLE ADULT<br>ABUSE CAUSING<br>PHYSICAL INJURY,<br>PAIN, OR MENTAL<br>SUFFERING                            | 4  |
| 9  | 750.145S(3) | PERSON | C | ELDER ABUSE CAUSING<br>SERIOUS IMPAIRMENT OF<br>A BODY FUNCTION  | 15 |
| 10 | 750.145S(4) | PERSON | A | ELDER ABUSE OR<br>VULNERABLE ADULT<br>ABUSE CAUSING DEATH  | 25 |

|   |              |          |   |  |    |
|---|--------------|----------|---|--|----|
| 1 | 750.145S(5)  | PERSON   | F | RESTRAINING AN ELDER<br>ADULT OR VULNERABLE<br>ADULT BY VIOLENCE,<br>MENACE, FRAUD, OR<br>DECEIT | 4  |
| 2 | 750.145S(9)  | PROPERTY | E | EMBEZZLEMENT FROM<br>ELDER ADULT OF \$1,000<br>TO \$20,000 OR WITH<br>PRIOR CONVICTIONS          | 5  |
| 3 | 750.145S(10) | PROPERTY | D | EMBEZZLEMENT FROM<br>ELDER ADULT OF<br>\$20,000 TO \$50,000 OR<br>WITH PRIOR<br>CONVICTIONS      | 10 |
| 4 | 750.145S(11) | PROPERTY | C | EMBEZZLEMENT FROM<br>ELDER ADULT OF<br>\$50,000 TO \$100,000<br>OR WITH PRIOR<br>CONVICTIONS     | 15 |
| 5 | 750.145S(12) | PROPERTY | B | EMBEZZLEMENT FROM<br>ELDER ADULT OF<br>\$100,000 OR MORE OR<br>WITH PRIOR<br>CONVICTIONS         | 20 |
| 6 | 750.147b     | Person   | G | Ethnic intimidation  | 2  |

7           (2) For a violation of section 145d of the Michigan penal  
8 code, 1931 PA 328, MCL 750.145d, determine the offense category,  
9 offense variable level, and prior record variable level based on  
10 the underlying offense.

11           Enacting section 1. This amendatory act does not take effect  
12 unless Senate Bill No. 866 of the 97th Legislature is enacted  
13 into law.