

# HOUSE BILL No. 4164

January 31, 2013, Introduced by Reps. Hooker, Johnson, Rendon, Kurtz, MacGregor, Heise, Lauwers and Yonker and referred to the Committee on Criminal Justice.

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 with intent to injure or abandon	10

1	750.135a(2)(c)	Person	D	Leaving child unattended in vehicle resulting in serious physical harm	10
2	750.135a(2)(d)	Person	B	Leaving child unattended in vehicle resulting in death	15
3	750.136b(2)	Person	A	First degree child abuse	Life
4	750.136b(4)(a)	Person	C	Second degree child abuse – first offense	10
5	750.136b(4)(b)	Person	B	Second degree child abuse – second or subsequent offense	20
6	750.136b(6)	Person	G	Third degree child abuse	2
7	750.136c	Person	B	Buying or selling an individual	20
8	750.136d(1)(a)	Person	A	First degree child abuse in presence of another child	Life
9	750.136d(1)(b)	Person	D	Second degree child abuse in presence of another child – first offense	10
10	750.136d(1)(c)	Person	B	Second degree child abuse in presence of another child – second or subsequent offense	20
11	750.136d(1)(d)	Person	G	Third degree child abuse in presence of another child	2

1	750.145a	Person	F	Soliciting child to commit an immoral act	4
2	750.145b	Person	D	Accosting children for immoral purposes with prior conviction	10
3	750.145c (2)	Person	B	Producing child sexually abusive activity or material	20
4	750.145c (3)	Person	D	Distributing, promoting, or financing the distribution of child sexually abusive activity or material	7
5	750.145c (4)	Person	F	Possessing child sexually abusive material	4
6	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
7	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
8	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

1	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
2	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
3	<b>750.145E</b>	<b>PERSON</b>	<b>F</b>	<b>FAILING TO REPORT DEATH OF MINOR OR TO REPORT MISSING CHILD</b>	<b>4</b>
4	750.145n(1)	Person	C	First degree vulnerable adult abuse	15
5	750.145n(2)	Person	F	Second degree vulnerable adult abuse	4
6	750.145n(3)	Person	G	Third degree vulnerable adult abuse	2
7	750.145o	Person	E	Death of vulnerable adult caused by unlicensed caretaker	5
8	750.145p(1)	Person	G	Commingling funds of, obstructing investigation regarding, or filing false information regarding, vulnerable adult	2
9	750.145p(2)	Person	G	Retaliation or discrimination by caregiver against vulnerable adult	2

1	750.145p(5)	Person	E	Caregiver or licensee violation against vulnerable adult – subsequent offense	5
2	750.147b	Person	G	Ethnic intimidation	2

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

7           Enacting section 1. This amendatory act does not take effect  
8 unless Senate Bill No.\_\_\_\_ or House Bill No. 4163(request no.  
9 00567'13) of the 97th Legislature is enacted into law.