

# HOUSE BILL No. 5047

November 4, 2015, Introduced by Reps. Leonard, Hughes, Bizon, Crawford, Barrett and Sheppard 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<br>with intent to<br>injure or abandon                           | 10       |
| 6 | 750.135a(2)(c) | Person   | D     | Leaving child<br>unattended in<br>vehicle resulting in<br>serious physical<br>harm | 10       |

|    |                |        |   |   |      |
|----|----------------|--------|---|---|------|
| 1  | 750.135a(2)(d) | Person | B | Leaving child<br>unattended in<br>vehicle resulting in<br>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<br>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 –<br>first 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<br>act   | 4    |
| 12 | 750.145b       | Person | D | Accosting children<br>for immoral purposes<br>with prior<br>conviction  | 10   |
| 13 | 750.145c(2)    | Person | B | Producing child<br>sexually abusive<br>activity or material   | 20   |
| 14 | 750.145c(3)    | Person | D | Distributing,<br>promoting, or<br>financing the<br>distribution of<br>child sexually<br>abusive activity or<br>material | 7    |

|   |                |          |                |   |                  |
|---|----------------|----------|----------------|---|------------------|
| 1 | 750.145c(4)    | Person   | F              | Possessing child sexually abusive material  | 4                |
| 2 | 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                |
| 3 | 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                |
| 4 | 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               |
| 5 | 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               |
| 6 | 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               |
| 7 | 750.145n(1)    | Person   | <del>C-B</del> | First degree vulnerable adult abuse   | <del>15-20</del> |
| 8 | 750.145n(2)    | Person   | F              | Second degree vulnerable adult abuse  | 4                |
| 9 | 750.145n(3)    | Person   | G              | Third degree vulnerable adult abuse   | 2                |

|   |             |        |   |  |   |
|---|-------------|--------|---|--|---|
| 1 | 750.145o    | Person | E | Death of vulnerable adult caused by unlicensed caretaker   | 5 |
| 2 | 750.145p(1) | Person | G | Commingling funds of, obstructing investigation regarding, or filing false information regarding, vulnerable adult | 2 |
| 3 | 750.145p(2) | Person | G | Retaliation or discrimination by caregiver against vulnerable adult  | 2 |
| 4 | 750.145p(5) | Person | E | Caregiver or licensee violation against vulnerable adult – subsequent offense                                      | 5 |
| 5 | 750.147b    | Person | G | Ethnic intimidation  | 2 |

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

10           Enacting section 1. This amendatory act does not take effect  
11 unless Senate Bill No.\_\_\_\_ or House Bill No. 5046 (request no.  
12 00201'15) of the 98th Legislature is enacted into law.