

HOUSE BILL No. 5304

February 2, 2016, Introduced by Reps. Cole, Aaron Miller, Hooker, Johnson, Glenn and Kelly
and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 12 of chapter II and section 16m of chapter
XVII (MCL 762.12 and 777.16m), section 12 of chapter II as
amended by 2015 PA 32 and section 16m of chapter XVII as amended
by 2014 PA 192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER II

Sec. 12. (1) Subject to subsection (2), the court of record
having jurisdiction over the criminal offense referred to in
section 11 of this chapter may, at any time, terminate its
consideration of the individual as a youthful trainee or, once
having assigned the individual to the status of a youthful
trainee, may at its discretion revoke that status any time before
the individual's final release.

1 (2) If the court assigns an individual to youthful trainee
2 status, the court shall revoke that status if the individual
3 pleads guilty to or is convicted of any of the following during
4 the period of assignment:

5 (a) A felony for which the maximum penalty is imprisonment
6 for life.

7 (b) A major controlled substance offense.

8 (c) A violation, attempted violation, or conspiracy to
9 violate section 82, 84, 88, 110a, 224f, 226, 227, ~~227a~~, 227b,
10 520b, 520c, 520d, 520e, 529a, or 530 of the Michigan penal code,
11 1931 PA 328, MCL 750.82, 750.84, 750.88, 750.110a, 750.224f,
12 750.226, 750.227, ~~750.227a~~, 750.227b, 750.520b, 750.520c,
13 750.520d, 750.520e, 750.529a, and 750.530, other than section
14 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328,
15 MCL 750.520d and 750.520e.

16 (d) A violation, attempted violation, or conspiracy to
17 violate section 520g of the Michigan penal code, 1931 PA 328, MCL
18 750.520g, with the intent to commit a violation of section 520b,
19 520c, 520d, or 520e of the Michigan penal code, 1931 PA 328, MCL
20 750.520b, 750.520c, 750.520d, and 750.520e, other than section
21 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328,
22 MCL 750.520d and 750.520e.

23 (e) A firearm offense. As used in this subdivision, "firearm
24 offense" means a crime involving a firearm as that term is
25 defined in section 1 of 1927 PA 372, MCL 28.421, whether or not
26 the possession, use, transportation, or concealment of a firearm
27 is an element of the crime.

(3) If an individual who is required to be registered under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736, willfully violates that act, the court shall revoke the individual's status as a youthful trainee. Upon termination of consideration or revocation of status as a youthful trainee, the court may enter an adjudication of guilt and proceed as provided by law. If the status of youthful trainee is revoked, an adjudication of guilt is entered, and a sentence is imposed, the court in imposing sentence shall specifically grant credit against the sentence for time served as a youthful trainee in an institutional facility of the department of corrections or in a county jail.

CHAPTER XVII

Sec. 16m. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.223(2)	Pub saf	F	Sale of firearm to minor – subsequent offense	4
750.223(3)	Pub ord	D	Sale of firearm to person prohibited from possessing	10
750.224	Pub saf	E	Manufacture or sale of silencer, bomb, blackjack, automatic weapon, gas spray, etc.	5
750.224a(4)	Pub saf	F	Possession or sale of electrical current weapons	4
750.224a(6)	Pub saf	G	Improper use of electro-muscular disruption device	2

1	750.224b	Pub saf	E	Possession of short barreled shotgun or rifle	5
2	750.224c	Pub saf	F	Armor piercing ammunition	4
3	750.224d(2)	Person	G	Using self-defense spray device	2
4	750.224e	Pub saf	F	Manufacture/sale/possession of devices to convert semiautomatic weapons	4
5	750.224f(5)	Pub saf	E	Possession or sale of firearm by felon	5
6	750.224f(6)	Pub saf	E	Possession or sale of ammunition by felon	5
7	750.226	Pub saf	E	Carrying firearm or dangerous weapon with unlawful intent	5
8	750.227	Pub saf	E	Carrying a concealed weapon	5
9	750.227a	Pub saf	F	Unlawful possession of pistol	4
10	750.227c	Pub saf	G	Possessing a loaded firearm in or upon a vehicle	2
11	750.227f	Pub saf	F	Wearing body armor during commission of certain crimes	4
12	750.227g(1)	Pub saf	F	Felon purchasing, owning, possessing, or using body armor	4
13	750.230	Pub saf	G	Altering ID mark on firearm	2
14	750.232a(3)	Pub saf	G	False statement in a pistol application	4
15	750.234a(1)(a)	Pub saf	D	Discharging firearm from vehicle	10
16	750.234a(1)(b)	Person	C	Discharging firearm from vehicle causing physical injury	15
17	750.234a(1)(c)	Person	B	Discharging firearm from vehicle causing serious impairment	20

1	750.234a(1)(d)	Person	A	Discharging firearm from vehicle causing death	Life
2	750.234b(1)	Pub saf	D	Discharging firearm at a dwelling or potentially occupied structure	10
3	750.234b(2)	Pub saf	D	Discharging firearm in a dwelling or potentially occupied structure	10
4	750.234b(3)	Pub saf	C	Discharging firearm in or at a dwelling or potentially occupied structure causing physical injury	15
5	750.234b(4)	Person	B	Discharging firearm in or at a dwelling or potentially occupied structure causing serious impairment	20
6	750.234b(5)	Person	A	Discharging firearm in or at a dwelling or potentially occupied structure causing death	Life
7	750.234c	Pub saf	F	Discharging firearm at emergency/police vehicle	4
8	750.236	Person	C	Setting spring gun – death resulting	15
9	750.237(3)	Person	E	Using firearm while under the influence or impaired causing serious impairment	5
10	750.237(4)	Person	C	Using firearm while under the influence or impaired causing death	15

11 Enacting section 1. This amendatory act does not take effect
 12 unless Senate Bill No. ____ or House Bill No. 5301 (request no.

1 04120'15 *) of the 98th Legislature is enacted into law.