

Act No. 72
Public Acts of 2017
Approved by the Governor
July 11, 2017
Filed with the Secretary of State
July 11, 2017
EFFECTIVE DATE: October 9, 2017

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

Introduced by Senators Jones, O'Brien, Schuitmaker, Bieda and MacGregor

ENROLLED SENATE BILL No. 338

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2012 PA 195.

The People of the State of Michigan enact:

CHAPTER XVII

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

| M.C.L. | Category | Class | Description | Stat Max |
|----------------|-----------------|--------------|--|-----------------|
| 750.135 | Person | D | Exposing children with intent to injure or abandon | 10 |
| 750.135a(2)(c) | Person | D | Leaving child unattended in vehicle resulting in serious physical harm | 10 |
| 750.135a(2)(d) | Person | B | Leaving child unattended in vehicle resulting in death | 15 |
| 750.136 | Person | B | Female genital mutilation violation | 15 |

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|----------------|----------|---|---|------|
| 750.136b(2) | Person | A | First degree child abuse | Life |
| 750.136b(4)(a) | Person | C | Second degree child abuse — first offense | 10 |
| 750.136b(4)(b) | Person | B | Second degree child abuse — second or subsequent offense | 20 |
| 750.136b(6) | Person | G | Third degree child abuse | 2 |
| 750.136c | Person | B | Buying or selling an individual | 20 |
| 750.136d(1)(a) | Person | A | First degree child abuse in presence of another child | Life |
| 750.136d(1)(b) | Person | D | Second degree child abuse in presence of another child — first offense | 10 |
| 750.136d(1)(c) | Person | B | Second degree child abuse in presence of another child — second or subsequent offense | 20 |
| 750.136d(1)(d) | Person | G | Third degree child abuse in presence of another child | 2 |
| 750.145a | Person | F | Soliciting child to commit an immoral act | 4 |
| 750.145b | Person | D | Accosting children for immoral purposes with prior conviction | 10 |
| 750.145c(2) | Person | B | Producing child sexually abusive activity or material | 20 |
| 750.145c(3) | Person | D | Distributing, promoting, or financing the distribution of child sexually abusive activity or material | 7 |
| 750.145c(4) | Person | F | Possessing child sexually abusive material | 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 |
| 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 |
| 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 |
| 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 |
| 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 |
| 750.145n(1) | Person | C | First degree vulnerable adult abuse | 15 |
| 750.145n(2) | Person | F | Second degree vulnerable adult abuse | 4 |
| 750.145n(3) | Person | G | Third degree vulnerable adult abuse | 2 |
| 750.145o | Person | E | Death of vulnerable adult caused by unlicensed caretaker | 5 |
| 750.145p(1) | Person | G | Commingle funds of, obstructing investigation regarding, or filing false information regarding, vulnerable adult | 2 |
| 750.145p(2) | Person | G | Retaliation or discrimination by caregiver against vulnerable adult | 2 |
| 750.145p(5) | Person | E | Caregiver or licensee violation against vulnerable adult — second or subsequent offense | 5 |
| 750.147b | Person | G | Ethnic intimidation | 2 |

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

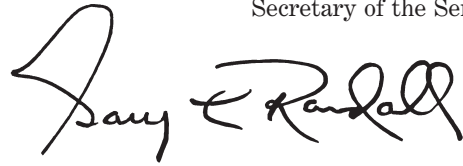
Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 337 of the 99th Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor

Compiler's note: Senate Bill No. 337, referred to in enacting section 2, was filed with the Secretary of State July 11, 2017, and became 2017 PA 70, Eff. Oct. 9, 2017.