



# HOUSE BILL No. 4638

May 23, 2017, Introduced by Reps. Rendon, Hughes, Victory, Sheppard, Kesto, Hauck, Hornberger, Greimel, Chang, Hoitenga, Farrington, Leutheuser, Lasinski, Faris, Griffin, Lucido, Alexander, Whiteford, Kelly, Bizon, Kahle, VanderWall, Sabo, Sowerby, Moss, Hammoud, Brinks, Geiss, Ellison, Camilleri, Phelps, Jones, Chirkun, Durhal, Gay-Dagnogo, Clemente, Cochran, Peterson, Dianda, Love, Hoadley, Pagan, Garrett, Green, Yanez, Rabhi, Byrd, Neeley, Schor, Scott, Zemke, Wittenberg, Pagel, LaSata, Calley, Greig, Allor and Lower and referred to the Committee on Law and 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:

### 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	10

resulting in serious  
physical harm

1	750.135a(2)(d)	Person	B	Leaving child unattended in vehicle resulting in death	15
2	750.136	PERSON	B	<b>FEMALE GENITAL MUTILATION VIOLATION</b>	<b>15</b>
3	750.136A	PERSON	B	<b>TRANSPORTING PERSON FOR PURPOSE OF FEMALE GENITAL MUTILATION</b>	<b>15</b>
4	750.136b(2)	Person	A	First degree child abuse	Life
5	750.136b(4)(a)	Person	C	Second degree child abuse – first offense	10
6	750.136b(4)(b)	Person	B	Second degree child abuse – second or subsequent offense	20
7	750.136b(6)	Person	G	Third degree child abuse	2
8	750.136c	Person	B	Buying or selling an individual	20
9	750.136d(1)(a)	Person	A	First degree child abuse in presence of another child	Life
10	750.136d(1)(b)	Person	D	Second degree child abuse in presence of another child – first offense	10
11	750.136d(1)(c)	Person	B	Second degree child abuse in presence of another child – second or subsequent offense	20
12	750.136d(1)(d)	Person	G	Third degree child abuse in presence of another child	2
13	750.145a	Person	F	Soliciting child to commit an immoral act	4
14	750.145b	Person	D	Accosting children for immoral purposes with prior conviction	10
15	750.145c(2)	Person	B	Producing child sexually abusive activity or material	20

<b>1</b>	750.145c(3)	Person	D	Distributing, promoting, or financing the distribution of child sexually abusive activity or material	7
<b>2</b>	750.145c(4)	Person	F	Possessing child sexually abusive material	4
<b>3</b>	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
<b>4</b>	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
<b>5</b>	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
<b>6</b>	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
<b>7</b>	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
<b>8</b>	750.145n(1)	Person	C	First degree vulnerable adult abuse	15

1	750.145n(2)	Person	F	Second degree vulnerable adult abuse	4
2	750.145n(3)	Person	G	Third degree vulnerable adult abuse	2
3	750.145o	Person	E	Death of vulnerable adult caused by unlicensed caretaker	5
4	750.145p(1)	Person	G	Commingle funds of, obstructing investigation regarding, or filing false information regarding, vulnerable adult	2
5	750.145p(2)	Person	G	Retaliation or discrimination by caregiver against vulnerable adult	2
6	750.145p(5)	Person	E	Caregiver or licensee violation against vulnerable adult – <b>SECOND OR</b> subsequent offense	5
7	750.147b	Person	G	Ethnic intimidation	2

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

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

14           Enacting section 2. This amendatory act does not take effect  
15 unless all of the following bills of the 99th Legislature are  
16 enacted into law:

17           (a) Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
18 02921'17 \*).

**1** (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4637 (request no.  
**2** 03084'17 \*).