

**SUBSTITUTE FOR  
HOUSE BILL NO. 5788**

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 16d of chapter XVII (MCL 777.16d), as amended  
by 2016 PA 88.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** CHAPTER XVII

**2** Sec. 16d. This chapter applies to the following felonies  
**3** enumerated in chapter 750 of the Michigan Compiled Laws:

| <b>4</b> | <b>M.C.L.</b> | <b>Category</b> | <b>Class</b> | <b>Description</b>                                                                   | <b>Stat Max</b> |
|----------|---------------|-----------------|--------------|--------------------------------------------------------------------------------------|-----------------|
| <b>5</b> | 750.81(5)     | Person          | E            | Domestic assault or<br>assault of a pregnant<br>individual with prior<br>convictions | 5               |
| <b>6</b> | 750.81a(3)    | Person          | E            | Aggravated domestic<br>assault with prior<br>convictions                             | 5               |

|    |               |        |   |                                                                                                                                          |      |
|----|---------------|--------|---|------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1  | 750.81d(1)    | Person | G | Assaulting,<br>resisting, or<br>obstructing certain<br>persons                                                                           | 2    |
| 2  | 750.81d(2)    | Person | F | Assaulting,<br>resisting, or<br>obstructing certain<br>persons causing<br><b>BODILY</b> injury<br><b>REQUIRING MEDICAL<br/>ATTENTION</b> | 4    |
| 3  | 750.81d(3)    | Person | C | Assaulting,<br>resisting, or<br>obstructing certain<br>persons causing<br>serious impairment                                             | 15   |
| 4  | 750.81d(4)    | Person | B | Assaulting,<br>resisting, or<br>obstructing certain<br>persons causing death                                                             | 20   |
| 5  | 750.81e(2)    | Person | G | Assault on utility<br>worker causing bodily<br>injury requiring<br>medical attention                                                     | 2    |
| 6  | 750.81e(3)    | Person | E | Assault on utility<br>worker causing<br>serious impairment of<br>a body function                                                         | 5    |
| 7  | 750.82(1)     | Person | F | Felonious assault                                                                                                                        | 4    |
| 8  | 750.82(2)     | Person | F | Felonious assault –<br>weapon-free school<br>zone                                                                                        | 4    |
| 9  | 750.83        | Person | A | Assault with intent<br>to murder                                                                                                         | Life |
| 10 | 750.84(1) (a) | Person | D | Assault with intent<br>to do great bodily<br>harm less than murder                                                                       | 10   |
| 11 | 750.84(1) (b) | Person | D | Assault by<br>strangulation or<br>suffocation                                                                                            | 10   |
| 12 | 750.85        | Person | A | Torture                                                                                                                                  | Life |
| 13 | 750.86        | Person | D | Assault with intent<br>to maim                                                                                                           | 10   |

|    |                                        |               |               |                                                                                                                                |                            |
|----|----------------------------------------|---------------|---------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 1  | 750.87                                 | Person        | D             | Assault with intent to commit a felony                                                                                         | 10                         |
| 2  | 750.88                                 | Person        | C             | Assault with intent to commit unarmed robbery                                                                                  | 15                         |
| 3  | 750.89                                 | Person        | A             | Assault with intent to commit armed robbery                                                                                    | Life                       |
| 4  | <b>750.90 (1)</b>                      | <b>PERSON</b> | <b>C</b>      | <b>SEXUAL CONTACT UNDER PRETEXT OF MEDICAL TREATMENT</b>                                                                       | <b>20</b>                  |
| 5  | <del>750.90</del><br><b>750.90 (2)</b> | Person        | <del>DB</del> | <del>Sexual intercourse</del><br><b>PENETRATION</b> under pretext of medical treatment                                         | <del>10</del><br><b>25</b> |
| 6  | 750.90a                                | Person        | A             | Assault against a pregnant individual causing miscarriage, stillbirth, or death to embryo or fetus with intent or recklessness | Life                       |
| 7  | 750.90b(a)                             | Person        | C             | Assault against a pregnant individual resulting in miscarriage, stillbirth, or death to embryo or fetus                        | 15                         |
| 8  | 750.90b(b)                             | Person        | D             | Assault against a pregnant individual resulting in great bodily harm to embryo or fetus                                        | 10                         |
| 9  | 750.90c(a)                             | Person        | C             | Gross negligence against a pregnant individual resulting in miscarriage, stillbirth, or death to embryo or fetus               | 15                         |
| 10 | 750.90c(b)                             | Person        | E             | Gross negligence against a pregnant individual resulting in great bodily harm to embryo or fetus                               | 5                          |
| 11 | 750.90d(a)                             | Person        | C             | Operating a vehicle under the influence or while impaired causing miscarriage, stillbirth, or death to embryo or fetus         | 15                         |

|   |            |        |   |                                                                                                                                  |      |
|---|------------|--------|---|----------------------------------------------------------------------------------------------------------------------------------|------|
| 1 | 750.90d(b) | Person | E | Operating a vehicle<br>under the influence<br>or while impaired<br>causing serious or<br>aggravated injury to<br>embryo or fetus | 5    |
| 2 | 750.90e    | Person | G | Careless or reckless<br>driving causing<br>miscarriage,<br>stillbirth, or death<br>to embryo or fetus                            | 2    |
| 3 | 750.90g(3) | Person | A | Performance of<br>procedure on live<br>infant with intent to<br>cause death                                                      | Life |
| 4 | 750.90h    | Person | G | Performing or<br>assisting in<br>performance of<br>partial-birth<br>abortion                                                     | 2    |
| 5 | 750.91     | Person | A | Attempted murder                                                                                                                 | Life |

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

8 Enacting section 2. This amendatory act does not take effect  
9 unless House Bill No. 5787 of the 99th Legislature is enacted  
10 into law.