

# HOUSE BILL No. 4333

March 8, 2017, Introduced by Reps. Brann, LaSata, Lucido, Marino, Green and Jones and referred to the Committee on Law and Justice.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending sections 16b, 34, 40, 46, and 49 of chapter XVII (MCL  
777.16b, 777.34, 777.40, 777.46, and 777.49), section 16b as  
amended by 2008 PA 562, section 34 as added by 1998 PA 317,  
section 40 as amended by 2014 PA 350, section 46 as amended by  
1999 PA 227, and section 49 as amended by 2002 PA 137.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER XVII

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

M.C.L.	Category	Class	Description	Stat Max
750.49(2)(a) to (d)	Pub ord	F	Fighting animals or providing facilities for animal fights	4

1	750.49(2) (e)	Pub ord	F	Organizing or promoting animal fights	4
2	750.49(2) (f)	Pub ord	H	Attending animal fight	4
3	750.49(2) (g)	Pub ord	F	Breeding or selling fighting animals	4
4	750.49(2) (h)	Pub ord	F	Selling or possessing equipment for animal fights	4
5	750.49(8)	Person	A	Inciting fighting animal resulting in death	Life
6	750.49(9)	Person	F	Inciting fighting animal to attack	4
7	750.49(10)	Person	D	Fighting animal attacking without provocation and death resulting	15
8	750.50(4) (c)	Pub ord	G	Animal neglect or cruelty involving 4 or more animals but fewer than 10 animals or with 1 prior conviction	2
9	750.50(4) (d)	Pub ord	F	Animal neglect or cruelty involving 10 or more animals <b>BUT FEWER THAN 25 ANIMALS</b> or with 2 <del>or more</del> prior convictions	4
10	750.50(4) (E)	PUB ORD	E	<b>ANIMAL NEGLECT OR CRUELTY INVOLVING 25 OR MORE ANIMALS OR WITH 3 OR MORE PRIOR CONVICTIONS</b>	7
11	750.50(4) (F)	PUB ORD	G	<b>ANIMAL NEGLECT OR CRUELTY BY BREEDER OR PET SHOP OPERATOR WITH 5 OR MORE PRIOR VIOLATIONS OF 1969 PA 287, MCL 287.331 TO 287.340</b>	2
12	750.50b(3)	Property	<del>FD</del>	<del>Killing</del> <b>FIRST DEGREE KILLING</b> or torturing animals	410

1	750.50B(4)	PROPERTY	E	SECOND DEGREE KILLING OR TORTURING ANIMALS	7
2	750.50B(5)	PROPERTY	F	THIRD DEGREE KILLING OR TORTURING ANIMALS	4
3	750.50c(5)	Pub ord	E	Killing or causing serious physical harm to law enforcement animal or search and rescue dog	5
4	750.50c(7)	Pub saf	H	Harassing or causing harm to law enforcement animal or search and rescue dog while committing crime	2
5	750.68	Property	G	Changing brands with intent to steal	4

6        Sec. 34. (1) Offense variable 4 is psychological injury to a  
7 victim. Score offense variable 4 by determining which of the  
8 following apply and by assigning the number of points  
9 attributable to the one that has the highest number of points:

10        (a) Serious psychological injury requiring  
11 professional treatment occurred to a victim..... 10 points

12        **(B) FOR A CONVICTION UNDER SECTION 50B OF**  
13 **THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.50B,**  
14 **SERIOUS PSYCHOLOGICAL INJURY REQUIRING PROFESSIONAL**  
15 **TREATMENT OCCURRED TO THE OWNER OF A COMPANION**  
16 **ANIMAL..... 5 POINTS**

17        **(C) ~~(b)~~** No serious psychological injury requiring  
18 professional treatment occurred to a victim..... 0 points

19        (2) Score 10 points if the serious psychological injury may  
20 require professional treatment. In making this determination, the

1 fact that treatment has not been sought is not conclusive.

2       Sec. 40. (1) Offense variable 10 is exploitation of a  
3 vulnerable victim. Score offense variable 10 by determining which  
4 of the following apply and by assigning the number of points  
5 attributable to the one that has the highest number of points:

6       (a) Predatory conduct was involved..... 15 points

7       (b) The offender exploited a victim's physical  
8 disability, mental disability, youth or agedness,  
9 or a domestic relationship, or the offender abused  
10 his or her authority status..... 10 points

11       (c) The offender exploited a victim by his or  
12 her difference in size or strength, or both, or  
13 exploited a victim who was intoxicated, under the  
14 influence of drugs, asleep, or unconscious..... 5 points

15       (d) The offender did not exploit a victim's  
16 vulnerability..... 0 points

17       (2) The mere existence of 1 or more factors described in  
18 subsection (1) does not automatically equate with victim  
19 vulnerability.

20       (3) As used in this section:

21       (a) "Predatory conduct" means preoffense conduct directed at  
22 a victim, or a law enforcement officer posing as a potential  
23 victim, for the primary purpose of victimization.

24       (b) "Exploit" means to manipulate a victim for selfish or  
25 unethical purposes. **EXPLOIT ALSO MEANS TO VIOLATE SECTION 50B OF**  
26 **THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.50B, FOR THE**  
27 **PURPOSE OF MANIPULATING A VICTIM FOR SELFISH OR UNETHICAL**

1 **PURPOSES.**

2 (c) "Vulnerability" means the readily apparent  
3 susceptibility of a victim to injury, physical restraint,  
4 persuasion, or temptation.

5 (d) "Abuse of authority status" means a victim was exploited  
6 out of fear or deference to an authority figure, including, but  
7 not limited to, a parent, physician, or teacher.

8 Sec. 46. (1) Offense variable 16 is property obtained,  
9 damaged, lost, or destroyed. Score offense variable 16 by  
10 determining which of the following apply and by assigning the  
11 number of points attributable to the one that has the highest  
12 number of points:

13 (A) FOR A CONVICTION UNDER SECTION 50 OF THE  
14 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.50, THE  
15 PROPERTY WAS 25 OR MORE ANIMALS..... 25 POINTS

16 (B) FOR A CONVICTION UNDER SECTION 50 OF THE  
17 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.50, THE  
18 PROPERTY WAS 10 OR MORE ANIMALS BUT FEWER THAN 25  
19 ANIMALS..... 10 POINTS

20 (C) ~~(a)~~ Wanton or malicious damage occurred  
21 beyond that necessary to commit the crime for  
22 which the offender is not charged and will not be  
23 charged..... 10 points

24 (D) ~~(b)~~ The property had a value of more than  
25 \$20,000.00 or had significant historical, social,  
26 or sentimental value..... 10 points

27 (E) ~~(c)~~ The property had a value of \$1,000.00

1 or more but not more than \$20,000.00..... 5 points

2 (F) ~~(d)~~—The property had a value of \$200.00

3 or more but not more than \$1,000.00..... 1 point

4 (G) ~~(e)~~—No property was obtained, damaged,

5 lost, or destroyed or the property had a value of

6 less than \$200.00..... 0 points

7 (2) All of the following apply to scoring offense variable

8 16:

9 (a) In multiple offender or victim cases, the appropriate

10 points may be determined by adding together the aggregate value

11 of the property involved, including property involved in

12 uncharged offenses or charges dismissed under a plea agreement.

13 (b) In cases in which the property was obtained unlawfully,

14 lost to the lawful owner, or destroyed, use the value of the

15 property in scoring this variable. If the property was damaged,

16 use the monetary amount appropriate to restore the property to

17 pre-offense condition in scoring this variable.

18 (c) The amount of money or property involved in admitted but

19 uncharged offenses or in charges that have been dismissed under a

20 plea agreement may be considered.

21 Sec. 49. Offense variable 19 is threat to the security of a

22 penal institution or court or interference with the

23 administration of justice or the rendering of emergency services.

24 Score offense variable 19 by determining which of the following

25 apply and by assigning the number of points attributable to the

26 one that has the highest number of points:

(a) The offender by his or her conduct threatened the security of a penal institution or court..... 25 points

(b) The offender used force or the threat of force against another person or the property of another person to interfere with, attempt to interfere with, or that results in the interference with the administration of justice or the rendering of emergency services..... 15 points

(c) The offender otherwise interfered with or attempted to interfere with the administration of justice, **OR DIRECTLY OR INDIRECTLY VIOLATED A PERSONAL PROTECTION ORDER**..... 10 points

(d) The offender did not threaten the security of a penal institution or court or interfere with or attempt to interfere with the administration of justice or the rendering of emergency services by force or threat of force..... 0 points

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. \_\_\_\_ or House Bill No. 4332 (request no. 01620'17) of the 99th Legislature is enacted into law.