

HOUSE BILL NO. 4085

January 24, 2019, Introduced by Rep. Hornberger and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 39 of chapter XVII (MCL 777.39), as amended by
2006 PA 548.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER XVII

2

Sec. 39. (1) Offense variable 9 is number of victims. Score
offense variable 9 by determining which of the following apply and
by assigning the number of points attributable to the one that has

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the highest number of points:

(a) Multiple deaths occurred 100 points

(b) There were 10 or more victims who were placed in danger of physical injury or death, or 20 or more victims who were placed in danger of property loss. 25 points

(c) There were 2 to 9 victims who were placed in danger of physical injury or death, or 4 to 19 victims who were placed in danger of property loss. 10 points

(d) There were fewer than 2 victims who were placed in danger of physical injury or death, or fewer than 4 victims who were placed in danger of property loss. 0 points

(2) All of the following apply to scoring offense variable 9:

(a) Count each person who was placed in danger of physical injury or loss of life or property as a victim. **For purposes of this section, an embryo or fetus must be counted as a person.**

(b) Score 100 points only in homicide cases.

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