

HOUSE BILL NO. 4478

March 09, 2021, Introduced by Reps. Farrington, Anthony, Tisdell, Witwer, Camilleri, Brixie, Bolden, Brenda Carter, Stone, Puri, Sneller, Kuppa, O'Neal, Yaroch, Pohutsky, Ellison, Scott, Aiyash, Breen, Neeley, Young, Brabec, Wakeman, Lightner, Whitsett, Liberati, Clemente, Cherry, Haadsma, Kahle, Jones, Coleman, Bezotte, Bellino and Wozniak and referred to the Committee on Families, Children, and Seniors.

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 2020 PA 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER XVII

2

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

3

4

M.C.L.	Category	Class Description	Stat Max
--------	----------	-------------------	----------

1	750.135	Person	D	Exposing children with	10
2				intent to injure or	
3				abandon	
4	750.135a (2) (c)	Person	D	Leaving child	10
5				unattended in vehicle	
6				resulting in serious	
7				physical harm	
8	750.135a (2) (d)	Person	B	Leaving child	15
9				unattended in vehicle	
10				resulting in death	
11	750.136	Person	B	Female genital	15
12				mutilation violation	
13	750.136a	Person	B	Transporting person	15
14				for purpose of female	
15				genital mutilation	
16	750.136b (2)	Person	A	First degree child	Life
17				abuse	
18	750.136b (4) (a)	Person	C	Second degree child	10
19				abuse – first offense	
20	750.136b (4) (b)	Person	B	Second degree child	20
21				abuse – with prior	
22				conviction	
23	750.136b (6) (a)	Person	G	Third degree child	2
24				abuse – first offense	
25	750.136b (6) (b)	Person	E	Third degree child	5
26				abuse – with prior	
27				conviction	

1	750.136b(8) (b)	Person	G	Fourth degree child	2
2				abuse - with prior	
3				conviction	
4	750.136c	Person	B	Buying or selling an	20
5				individual	
6	750.136d(1) (a)	Person	A	First degree child	Life
7				abuse in presence of	
8				another child	
9	750.136d(1) (b)	Person	D	Second degree child	10
10				abuse in presence of	
11				another child - first	
12				offense	
13	750.136d(1) (c)	Person	B	Second degree child	20
14				abuse in presence of	
15				another child - second	
16				or subsequent offense	
17	750.136d(1) (d)	Person	G	Third degree child	2
18				abuse in presence of	
19				another child	
20	750.145a	Person	F	Soliciting child to	4
21				commit an immoral act	
22	750.145b	Person	D	Accosting children for	10
23				immoral purposes with	
24				prior conviction	
25	750.145c(2) (a)	Person	B	Producing child	20
26				sexually abusive	
27				activity or material	

1	750.145c (2) (b)	Person	B	Aggravated producing	25
2				of child sexually	
3				abusive activity or	
4				material	
5	750.145c (3) (a)	Person	D	Distributing,	7
6				promoting, or	
7				financing the	
8				distribution of child	
9				sexually abusive	
10				activity or material	
11	750.145c (3) (b)	Person	C	Aggravated	15
12				distributing,	
13				promoting, or	
14				financing the	
15				distribution of child	
16				sexually abusive	
17				activity or material	
18	750.145c (4) (a)	Person	F	Possessing child	4
19				sexually abusive	
20				material	
21	750.145c (4) (b)	Person	B	Aggravated possession	10
22				of child sexually	
23				abusive material	

1	750.145d(2) (b)	Variable	G	Using internet or	2
2				computer to commit	
3				crime punishable by a	
4				maximum term of	
5				imprisonment of at	
6				least 1 year but less	
7				than 2 years	
8	750.145d(2) (c)	Variable	F	Using internet or	4
9				computer to commit	
10				crime punishable by a	
11				maximum term of	
12				imprisonment of at	
13				least 2 years but less	
14				than 4 years	
15	750.145d(2) (d)	Variable	D	Using internet or	10
16				computer to commit	
17				crime punishable by a	
18				maximum term of	
19				imprisonment of at	
20				least 4 years but less	
21				than 10 years	
22	750.145d(2) (e)	Variable	C	Using internet or	15
23				computer to commit	
24				crime punishable by a	
25				maximum term of	
26				imprisonment of at	
27				least 10 years but	
28				less than 15 years	

1	750.145d(2) (f)	Variable	B	Using internet or	20
2				computer to commit	
3				crime punishable by a	
4				maximum term of	
5				imprisonment of at	
6				least 15 years or for	
7				life	
8	750.145n(1)	Person	C	First degree	15
9				vulnerable adult abuse	
10	750.145n(2)	Person	F	Second degree	4
11				vulnerable adult abuse	
12	750.145n(3)	Person	G	Third degree	2
13				vulnerable adult abuse	
14	750.145o	Person	E	Death of vulnerable	5
15				adult caused by	
16				unlicensed caretaker	
17	750.145p(1)	Person	G	Commingle funds of,	2
18				obstructing	
19				investigation	
20				regarding, or filing	
21				false information	
22				regarding, vulnerable	
23				adult	
24	750.145p(2)	Person	G	Retaliation or	2
25				discrimination by	
26				caregiver against	
27				vulnerable adult	

1	750.145p(5)	Person	E	Caregiver or licensee	5
2				violation against	
3				vulnerable adult –	
4				second or subsequent	
5				offense	
6	750.145s(2)	Person	F	Elder abuse or	4
7				vulnerable adult	
8				assault causing	
9				physical injury, pain,	
10				or mental suffering	
11	750.145s(3)	Person	C	Elder abuse or	15
12				vulnerable adult	
13				assault causing	
14				serious impairment of	
15				a body function	
16	750.145s(4)	Person	A	Elder abuse or	25
17				vulnerable adult	
18				assault causing death	
19	750.145s(5)	Person	F	Restraining an elder	4
20				adult or vulnerable	
21				adult by violence,	
22				menace, fraud, or	
23				deceit	
24	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

1 after the date it is enacted into law.

2 Enacting section 1. This amendatory act does not take effect
3 unless Senate Bill No. _____ or House Bill No. 4473 (request no.
4 01188'21) of the 101st Legislature is enacted into law.