

HOUSE BILL NO. 4387

April 12, 2023, Introduced by Reps. MacDonell, Young and Arbit and referred to the Committee on Criminal 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 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

1	M.C.L.	Category	Class	Description	Stat Max
2	750.135	Person	D	Exposing children with	10
3				intent to injure or	
4				abandon	
5	750.135a (2) (c)	Person	D	Leaving child	10
6				unattended in vehicle	
7				resulting in serious	
8				physical harm	
9	750.135a (2) (d)	Person	B	Leaving child	15
10				unattended in vehicle	
11				resulting in death	
12	750.136	Person	B	Female genital	15
13				mutilation violation	
14	750.136a	Person	B	Transporting person	15
15				for purpose of female	
16				genital mutilation	
17	750.136b (2)	Person	A	First degree child	Life
18				abuse	
19	750.136b (4) (a)	Person	C	Second degree child	10
20				abuse – first offense	
21	750.136b (4) (b)	Person	B	Second degree child	20
22				abuse – with prior	
23				conviction	
24	750.136b (6) (a)	Person	G	Third degree child	2
25				abuse – first offense	
26	750.136b (6) (b)	Person	E	Third degree child	5
27				abuse – with prior	
28				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					
9	750.145h(3)	Person	G	Causing vulnerable	2
10				adult to provide	
11				sexually explicit	
12				visual material -	
13				second or subsequent	
14				offense	
15	750.145n(1)	Person	C	First degree	15
16				vulnerable adult abuse	
17	750.145n(2)	Person	F	Second degree	4
18				vulnerable adult abuse	
19	750.145n(3)	Person	G	Third degree	2
20				vulnerable adult abuse	
21	750.145o	Person	E	Death of vulnerable	5
22				adult caused by	
23				unlicensed caretaker	

1	750.145p(1)	Person	G	Commingling funds of,	2
2				obstructing	
3				investigation	
4				regarding, or filing	
5				false information	
6				regarding, vulnerable	
7				adult	
8	750.145p(2)	Person	G	Retaliation or	2
9				discrimination by	
10				caregiver against	
11				vulnerable adult	
12	750.145p(5)	Person	E	Caregiver or licensee	5
13				violation against	
14				vulnerable adult –	
15				second or subsequent	
16				offense	
17	750.147b	Person	G	Ethnic intimidation	2

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

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

24 Enacting section 2. This amendatory act does not take effect
25 unless House Bill No. 4320 of the 102nd Legislature is enacted into
26 law.