

# HOUSE BILL NO. 4649

June 12, 2025, Introduced by Reps. Tsernoglou, Johnsen, Aragona, Rigas, Kunse and Martin and referred to Committee on Judiciary.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 31 of chapter XVII (MCL 777.31), as amended by  
2002 PA 137.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER XVII

Sec. 31. (1) Offense variable 1 is aggravated use of a weapon.  
Score offense variable 1 by determining which of the following  
apply and by assigning the number of points attributable to the ~~one~~  
**applicable subdivision** that has the highest number of points:

(a) A firearm was discharged at or toward a human being or a victim was cut or stabbed with a knife or other cutting or stabbing weapon 25 points

**(b) A firearm was discharged at or toward a companion animal or a companion animal was cut or stabbed with a knife or other cutting or stabbing weapon 15 points**

~~(c) (b)~~ The victim was subjected or exposed to a harmful biological ~~substance, device~~, harmful biological ~~device, substance~~, harmful chemical ~~substance, device~~, harmful chemical ~~device, substance~~, harmful radioactive material, ~~device~~, harmful radioactive ~~device, material~~, incendiary device, or explosive device 20 points

**(d) A companion animal was subjected or exposed to a harmful biological device, harmful biological substance, harmful chemical device, harmful chemical substance, harmful radioactive device, harmful radioactive material, incendiary device, or explosive device 10 points**

~~(e) (e)~~ A firearm was pointed at or toward a victim or the victim had a reasonable apprehension of an immediate battery when threatened with a knife or other cutting or stabbing weapon 15 points

~~(f) (d)~~ The victim was touched by any other type of weapon 10 points

**(g) The companion animal was touched by any other type of weapon 5 points**

~~(h) (e)~~ A weapon was displayed or implied 5 points

~~(i) (f)~~ No aggravated use of a weapon occurred 0 points

(2) All of the following apply to scoring offense variable 1:

~~(a) Count~~ **Assign points for each person or companion animal**

1 who was placed in danger of injury or loss of life. ~~as a victim.~~

2 (b) In multiple offender cases, if 1 offender is assessed  
3 points for the presence or use of a weapon, all offenders ~~shall~~  
4 **must** be assessed the same number of points.

5 (c) Score 5 points if an offender used an object to suggest  
6 the presence of a weapon.

7 (d) Score 5 points if an offender used a chemical irritant,  
8 chemical irritant device, smoke device, or imitation harmful  
9 substance or device.

10 (e) Do not score 5 points if the conviction offense is a  
11 violation of section 82 or 529 of the Michigan penal code, 1931 PA  
12 328, MCL 750.82 and 750.529.

13 (3) As used in this section:

14 (a) "Chemical irritant", "chemical irritant device", "harmful  
15 biological ~~substance", "device"~~, "harmful biological ~~device",~~  
16 **substance**", "harmful chemical ~~substance", "device"~~, "harmful  
17 chemical ~~device", "substance"~~, "harmful radioactive ~~material",~~  
18 **device**", "harmful radioactive ~~device", "material"~~, and "imitation  
19 harmful substance or device" mean those terms as defined in section  
20 200h of the Michigan penal code, 1931 PA 328, MCL 750.200h.

21 (b) "Incendiary device" includes gasoline or any other  
22 flammable substance, a blowtorch, fire bomb, Molotov cocktail, or  
23 other similar device.

24 Enacting section 1. This amendatory act does not take effect  
25 unless House Bill No. 4646 (request no. H02034'25) of the 103rd  
26 Legislature is enacted into law.