

SENATE BILL NO. 409

June 11, 2025, Introduced by Senators JOHNSON, THEIS, HOITENGA, LINDSEY, BELLINO, NESBITT, LAUWERS, HAUCK, DAMOOSE, RUNESTAD and DALEY and referred to Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 12 of chapter IX and sections 11b and 16m of
chapter XVII (MCL 769.12, 777.11b, and 777.16m), section 12 of
chapter IX as amended by 2012 PA 319, section 11b of chapter XVII
as amended by 2023 PA 22, and section 16m of chapter XVII as
amended by 2023 PA 200.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER IX

2

Sec. 12. (1) If a person has been convicted of any combination

1 of 3 or more felonies or attempts to commit felonies, whether the
2 convictions occurred in this state or would have been for felonies
3 or attempts to commit felonies in this state if obtained in this
4 state, and that person commits a subsequent felony within this
5 state, the person ~~shall~~**must** be punished upon conviction of the
6 subsequent felony and sentencing under section 13 of this chapter
7 as follows:

8 (a) If the subsequent felony is a serious crime or a
9 conspiracy to commit a serious crime, and 1 or more of the prior
10 felony convictions are listed prior felonies, the court shall
11 sentence the person to imprisonment for not less than 25 years. Not
12 more than 1 conviction arising out of the same transaction ~~shall be~~
13 **is** considered a prior felony conviction for the purposes of this
14 subsection only.

15 (b) If the subsequent felony is punishable upon a first
16 conviction by imprisonment for a maximum term of 5 years or more or
17 for life, the court, except as otherwise provided in this section
18 or section 1 of chapter XI, may sentence the person to imprisonment
19 for life or for a lesser term.

20 (c) If the subsequent felony is punishable upon a first
21 conviction by imprisonment for a maximum term that is less than 5
22 years, the court, except as otherwise provided in this section or
23 section 1 of chapter XI, may sentence the person to imprisonment
24 for a maximum term of not more than 15 years.

25 (d) If the subsequent felony is a major controlled substance
26 offense, the person ~~shall~~**must** be punished as provided by part 74
27 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461.

28 (2) If the court imposes a sentence of imprisonment for any
29 term of years under this section, the court shall fix the length of

1 both the minimum and maximum sentence within any specified limits
2 in terms of years or a fraction of a year, and the sentence so
3 imposed ~~shall be~~**is** considered an indeterminate sentence. The court
4 shall not fix a maximum sentence that is less than the maximum term
5 for a first conviction.

6 (3) A conviction ~~shall~~**must** not be used to enhance a sentence
7 under this section if that conviction is used to enhance a sentence
8 under a statute that prohibits use of the conviction for further
9 enhancement under this section.

10 (4) An offender sentenced under this section or section 10 or
11 11 of this chapter for an offense other than a major controlled
12 substance offense is not eligible for parole until expiration of
13 the following:

14 (a) For a prisoner other than a prisoner subject to
15 disciplinary time, the minimum term fixed by the sentencing judge
16 at the time of sentence unless the sentencing judge or a successor
17 gives written approval for parole at an earlier date authorized by
18 law.

19 (b) For a prisoner subject to disciplinary time, the minimum
20 term fixed by the sentencing judge.

21 (5) This section and sections 10 and 11 of this chapter are
22 not in derogation of other provisions of law that permit or direct
23 the imposition of a consecutive sentence for a subsequent felony.

24 (6) As used in this section:

25 (a) "Listed prior felony" means a violation or attempted
26 violation of any of the following:

27 (i) Section 602a(4) or (5) or 625(4) of the Michigan vehicle
28 code, 1949 PA 300, MCL 257.602a and 257.625.

29 (ii) Article 7 of the public health code, 1978 PA 368, MCL

333.7101 to 333.7545, that is punishable by imprisonment for more than 4 years.

(iii) Section 72, 82, 83, 84, 85, 86, 87, 88, 89, 91, 110a(2) or (3), 136b(2) or (3), 145n(1) or (2), 157b, 197c, 226, ~~227~~, 234a, 234b, 234c, 317, 321, 329, 349, 349a, 350, 397, 411h(2)(b), 411i, 479a(4) or (5), 520b, 520c, 520d, 520g, 529, 529a, or 530 of the Michigan penal code, 1931 PA 328, MCL 750.72, 750.82, 750.83, 750.84, 750.85, 750.86, 750.87, 750.88, 750.89, 750.91, 750.110a, 750.136b, 750.145n, 750.157b, 750.197c, 750.226, ~~750.227~~, 750.234a, 750.234b, 750.234c, 750.317, 750.321, 750.329, 750.349, 750.349a, 750.350, 750.397, 750.411h, 750.411i, 750.479a, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, 750.529a, and 750.530.

(iv) A second or subsequent violation or attempted violation of section 227b of the Michigan penal code, 1931 PA 328, MCL 750.227b.

(v) Section 2a of 1968 PA 302, MCL 752.542a.

(b) "Prisoner subject to disciplinary time" means that term as defined in section 34 of 1893 PA 118, MCL 800.34.

(c) "Serious crime" means an offense against a person in violation of section 83, 84, 86, 88, 89, 317, 321, 349, 349a, 350, 397, 520b, 520c, 520d, 520g(1), 529, or 529a of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.84, 750.86, 750.88, 750.89, 750.317, 750.321, 750.349, 750.349a, 750.350, 750.397, 750.520b, 750.520c, 750.520d, 750.520g, 750.529, and 750.529a.

CHAPTER XVII

Sec. 11b. This chapter applies to the following felonies enumerated in chapter 28 of the Michigan Compiled Laws:

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

1	28.214 (6) (b)	Pub trst	F	Unauthorized	4
2				disclosure of	
3				information from LEIN	
4				– subsequent offense	
5	28.293 (1)	Pub ord	E	False information when	5
6				applying for state ID	
7	28.293 (2)	Pub ord	D	False information when	7
8				applying for state ID	
9				– second offense	
10	28.293 (3)	Pub ord	C	False information when	15
11				applying for state ID	
12				– third or subsequent	
13				offense	
14	28.295 (1) (a)	Pub ord	D	Counterfeiting or	10
15				forging state ID card	
16				or using counterfeited	
17				or forged state ID	
18				card to commit felony	
19				punishable by	
20				imprisonment for 10	
21				years or more	

1	28.295 (1) (b)	Pub ord	E	Counterfeiting or	5
2				forging state ID card	
3				or using counterfeited	
4				or forged state ID	
5				card to commit felony	
6				punishable by	
7				imprisonment for less	
8				than 10 years or a	
9				misdemeanor punishable	
10				by more than 6 months	
11	28.295 (2)	Pub ord	E	Selling counterfeited	5
12				or forged state ID	
13				card or possessing	
14				counterfeited or	
15				forged state ID card	
16				with intent to deliver	
17				to another person or	
18				possessing 2 or more	
19				counterfeited or	
20				forged state ID cards	
21	28.295 (5)	Property	H	Using stolen state ID	Variable
22				card to commit felony	
23	28.295a (1)	Pub ord	H	False representation	4
24				to obtain or misuse	
25				personal information	
26	28.295a (2)	Pub ord	G	False representation	7
27				to obtain or misuse	
28				personal information –	
29				second offense	

1	28.295a(3)	Pub ord	C	False representation	15
2				to obtain or misuse	
3				personal information –	
4				third or subsequent	
5				offense	
6	28.308	Pub saf	E	False certification or	5
7				statement in	
8				application for	
9				enhanced driver	
10				license or enhanced	
11				official state	
12				personal	
13				identification card	
14	28.422(14)	Pub saf	F	Forgery on firearm	4
15	28.422(9)			license application	
16	28.422a(5)	Pub saf	F	False statement on	4
17				firearm sales record	
18	28.425b(3)	Pub saf	F	False statement on	4
19				concealed pistol	
20				permit application	
21	28.425j(3)	Pub saf	F	Unlawful granting or	4
22				presenting of pistol	
23				training certificate	
24	28.425o(6)(c)	Pub saf	F	Carrying concealed	4
25				pistol or electro-	
26				muscular disruption	
27				device in prohibited	
28				place – third or	
29				subsequent offense	

1	28.429(4)	Pub saf	E	Failure to store a	5
2				firearm resulting in	
3				injury	
4	28.429(5)	Pub saf	D	Failure to store a	10
5				firearm resulting in	
6				serious impairment of	
7				body function	
8	28.429(6)	Pub saf	C	Failure to store a	15
9				firearm resulting in	
10				death	
11	28.435(14)(c)	Pub saf	G	Firearm sale without	2
12				trigger lock, gun	
13				case, or storage	
14				container – third or	
15				subsequent offense	
16	28.468(1)(c)	Pub saf	E	Michigan fireworks	5
17				safety act violation	
18				causing serious	
19				impairment	
20	28.468(1)(d)	Pub saf	C	Michigan fireworks	15
21				safety act violation	
22				causing death	
23	28.516(2)	Pub saf	F	False statement on	4
24				concealed firearm	
25				certificate	
26				application	
27	28.674	Pub saf	F	False report of a	4
28				public threat	

1	28.729(1)(a)	Pub ord	F	Failure to register as	4
2				a sex offender, first	
3				offense	
4	28.729(1)(b)	Pub ord	D	Failure to register as	7
5				a sex offender, second	
6				offense	
7	28.729(1)(c)	Pub ord	D	Failure to register as	10
8				a sex offender, third	
9				or subsequent offense	
10	28.729(2)	Pub ord	F	Failure to update sex	2
11				offender registration	
12				information	
13	28.754(1)	Pub ord	F	False report of a	4
14				child abduction	

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

17	M.C.L.	Category	Class	Description	Stat Max
18	750.223(2)	Pub saf	F	Sale of firearm to minor –	4
19				subsequent offense	
20	750.223(3)	Pub ord	D	Sale of firearm to person	10
21				prohibited from possessing	
22	750.224	Pub saf	E	Manufacture or sale of	5
23				silencer, bomb, blackjack,	
24				automatic weapon, gas	
25				spray, etc.	
26	750.224a(4)	Pub saf	F	Possession or sale of	4
27				electrical current weapons	
28	750.224a(6)	Pub saf	G	Improper use of electro-	2
29				muscular disruption device	

1	750.224b	Pub saf	E	Possession of short	5
2				barreled shotgun or rifle	
3	750.224c	Pub saf	F	Armor piercing ammunition	4
4	750.224d(2)	Person	G	Using self-defense spray	2
5				device	
6	750.224e	Pub saf	F	Manufacture/sale/possession	4
7				of devices to convert	
8				semiautomatic weapons	
9	750.224f(6)	Pub saf	E	Possession or sale of	5
10				firearm by prohibited	
11				person	
12	750.224f(7)	Pub saf	E	Possession or sale of	5
13				ammunition by prohibited	
14				person	
15	750.226	Pub saf	E	Carrying firearm or	5
16				dangerous weapon with	
17				unlawful intent	
18	750.227	Pub saf	E	Carrying a concealed weapon	5
19	750.227a	Pub saf	F	Unlawful possession of	4
20				pistol	
21	750.227e	Pub saf	G	Possessing a loaded firearm	2
22				in or upon a vehicle	
23	750.227f	Pub saf	F	Wearing body armor during	4
24				commission of certain	
25				crimes	
26	750.227g(1)	Pub saf	F	Felon purchasing, owning,	4
27				possessing, or using body	
28				armor	
29	750.230	Pub saf	G	Altering ID mark on firearm	2

1	750.232a(3)	Pub saf	G	False statement in a	4
2				firearm application	
3	750.234a(1)(a)	Pub saf	D	Discharging firearm from	10
4				vehicle	
5	750.234a(1)(b)	Person	C	Discharging firearm from	15
6				vehicle causing physical	
7				injury	
8	750.234a(1)(c)	Person	B	Discharging firearm from	20
9				vehicle causing serious	
10				impairment	
11	750.234a(1)(d)	Person	A	Discharging firearm from	Life
12				vehicle causing death	
13	750.234b(1)	Pub saf	D	Discharging firearm at a	10
14				dwelling or potentially	
15				occupied structure	
16	750.234b(2)	Pub saf	D	Discharging firearm in a	10
17				dwelling or potentially	
18				occupied structure	
19	750.234b(3)	Pub saf	C	Discharging firearm in or	15
20				at a dwelling or	
21				potentially occupied	
22				structure causing physical	
23				injury	
24	750.234b(4)	Person	B	Discharging firearm in or	20
25				at a dwelling or	
26				potentially occupied	
27				structure causing serious	
28				impairment	

1	750.234b(5)	Person	A	Discharging firearm in or	Life
2				at a dwelling or	
3				potentially occupied	
4				structure causing death	
5	750.234c	Pub saf	F	Discharging firearm at	4
6				emergency/police vehicle	
7	750.235b(2)	Pub saf	D	Threatening to commit	10
8				violent act against school	
9				students or employees on	
10				school property with an	
11				overt act toward completion	
12				or with specific intent	
13	750.236	Person	C	Setting spring gun – death	15
14				resulting	
15	750.237(3)	Person	E	Using firearm while under	5
16				the influence or impaired	
17				causing serious impairment	
18	750.237(4)	Person	C	Using firearm while under	15
19				the influence or impaired	
20				causing death	

21 Enacting section 1. This amendatory act does not take effect
 22 unless Senate Bill No. 406 of the 103rd Legislature is enacted into
 23 law.