

**THE CODE OF CRIMINAL PROCEDURE (EXCERPT)**  
**Act 175 of 1927**

**777.46 Property obtained, damaged, lost, or destroyed.**

Sec. 46. (1) Offense variable 16 is property obtained, damaged, lost, or destroyed. Score offense variable 16 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- |  |           |
|--|-----------|
| (a) For a conviction under section 50 of the Michigan penal code, 1931 PA 328, MCL 750.50, the property was 25 or more animals                           | 25 points |
| (b) For a conviction under section 50 of the Michigan penal code, 1931 PA 328, MCL 750.50, the property was 10 or more animals but fewer than 25 animals | 10 points |
| (c) Wanton or malicious damage occurred beyond that necessary to commit the crime for which the offender is not charged and will not be charged          | 10 points |
| (d) The property had a value of more than \$20,000.00 or had significant historical, social, or sentimental value  | 10 points |
| (e) The property had a value of \$1,000.00 or more but not more than \$20,000.00   | 5 points  |
| (f) The property had a value of \$200.00 or more but not more than \$1,000.00  | 1 point   |
| (g) No property was obtained, damaged, lost, or destroyed or the property had a value of less than \$200.00  | 0 points  |

(2) All of the following apply to scoring offense variable 16:

(a) In multiple offender or victim cases, the appropriate points may be determined by adding together the aggregate value of the property involved, including property involved in uncharged offenses or charges dismissed under a plea agreement.

(b) In cases in which the property was obtained unlawfully, 28 lost to the lawful owner, or destroyed, use the value of the property in scoring this variable. If the property was damaged, use the monetary amount appropriate to restore the property to pre-offense condition in scoring this variable.

(c) The amount of money or property involved in admitted but uncharged offenses or in charges that have been dismissed under a plea agreement may be considered.

**History:** Add. 1998, Act 317, Eff. Dec. 15, 1998;—Am. 1999, Act 227, Imd. Eff. Dec. 28, 1999;—Am. 2018, Act 652, Eff. Mar. 28, 2019.

**Compiler's note:** In subsection (2)(b), the reference to "unlawfully, 28 lost" evidently should read "unlawfully, lost."