

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

777.55 Prior misdemeanor convictions or prior misdemeanor juvenile adjudications.

Sec. 55. (1) Prior record variable 5 is prior misdemeanor convictions or prior misdemeanor juvenile adjudications. Score prior record variable 5 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:

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| (a) The offender has 7 or more prior misdemeanor convictions or prior misdemeanor juvenile adjudications | 20 points |
| (b) The offender has 5 or 6 prior misdemeanor convictions or prior misdemeanor juvenile adjudications | 15 points |
| (c) The offender has 3 or 4 prior misdemeanor convictions or prior misdemeanor juvenile adjudications | 10 points |
| (d) The offender has 2 prior misdemeanor convictions or prior misdemeanor juvenile adjudications | 5 points |
| (e) The offender has 1 prior misdemeanor conviction or prior misdemeanor juvenile adjudication | 2 points |
| (f) The offender has no prior misdemeanor convictions or prior misdemeanor juvenile adjudications | 0 points |

(2) All of the following apply to scoring record variable 5:

(a) Except as provided in subdivision (b), count a prior misdemeanor conviction or prior misdemeanor juvenile adjudication only if it is an offense against a person or property, a controlled substance offense, or a weapon offense. Do not count a prior conviction used to enhance the sentencing offense to a felony.

(b) Count all prior misdemeanor convictions and prior misdemeanor juvenile adjudications for operating or attempting to operate a vehicle, vessel, ORV, snowmobile, aircraft, or locomotive while under the influence of or impaired by alcohol, a controlled substance, or a combination of alcohol and a controlled substance. Do not count a prior conviction used to enhance the sentencing offense to a felony.

(3) As used in this section:

(a) "Prior misdemeanor conviction" means a conviction for a misdemeanor under a law of this state, a political subdivision of this state, another state, a political subdivision of another state, or the United States if the conviction was entered before the sentencing offense was committed.

(b) "Prior misdemeanor juvenile adjudication" means a juvenile adjudication for conduct that if committed by an adult would be a misdemeanor under a law of this state, a political subdivision of this state, another state, a political subdivision of another state, or the United States if the order of disposition was entered before the sentencing offense was committed.

History: Add. 1998, Act 317, Eff. Dec. 15, 1998;—Am. 2000, Act 279, Eff. Oct. 1, 2000.