

SUBSTITUTE FOR
SENATE BILL NO. 806

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 17 of chapter XVII (MCL 777.17), as amended
by 2001 PA 136.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

| | | CHAPTER XVII | | | | |
|----|----------------|--|-------|--|------|-----|
| | | Sec. 17. (1) This chapter applies to the following felonies | | | | |
| | | enumerated in chapters 751 to 830 of the Michigan Compiled Laws: | | | | |
| 4 | M.C.L. | Category | Class | Description | Stat | Max |
| 5 | 752.272a(2)(c) | Pub saf | F | Sale or distribution of nitrous oxide device -- | | |
| 6 | | | | 2 or more prior | | |
| 7 | | | | convictions | | 4 |
| 8 | | | | | | |
| 9 | 752.365(3) | Pub ord | G | Obscenity -- subsequent | | |
| 10 | | | | offense | | 2 |
| 11 | 752.541 | Pub saf | D | Riot | | 10 |

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| Senate Bill No. 806 | | | | 2 | | |
|---------------------|---------------|----------|---|---------------------------|--|----|
| 1 | 752.542 | Pub saf | D | Incitement to riot | | 10 |
| 2 | 752.542a | Pub saf | D | Riot in state correc- | | |
| 3 | | | | tional facilities | | 10 |
| 4 | 752.543 | Pub saf | G | Unlawful assembly | | 5 |
| 5 | 752.797(1)(c) | Property | E | Computer fraud -- 2 prior | | |
| 6 | | | | convictions or value of | | |
| 7 | | | | \$1,000 to \$20,000 | | 5 |
| 8 | 752.797(1)(d) | Property | D | Computer fraud -- 3 or | | |
| 9 | | | | more prior convictions | | |
| 10 | | | | or value of \$20,000 or | | |
| 11 | | | | more | | 10 |
| 12 | 752.797(2)(a) | Property | E | Unlawfully accessing com- | | |
| 13 | | | | puter, computer system, | | |
| 14 | | | | or computer program | | 5 |
| 15 | 752.797(2)(b) | Property | D | Unlawfully accessing com- | | |
| 16 | | | | puter, computer system, | | |
| 17 | | | | or computer program, | | |
| 18 | | | | with prior conviction | | 10 |
| 19 | 752.797(3)(b) | Variable | G | Using computer to commit | | |
| 20 | | | | crime punishable by a | | |
| 21 | | | | maximum term of impris- | | |
| 22 | | | | onment of more than | | |
| 23 | | | | 1 year but less than | | |
| 24 | | | | 2 years | | 2 |
| 25 | 752.797(3)(c) | Variable | F | Using computer to commit | | |
| 26 | | | | crime punishable by a | | |
| 27 | | | | maximum term of impris- | | |
| 28 | | | | onment of at least | | |
| 29 | | | | 2 years but less than | | |
| 30 | | | | 4 years | | 4 |
| 31 | 752.797(3)(d) | Variable | D | Using computer to commit | | |
| 32 | | | | crime punishable by a | | |
| 33 | | | | maximum term of impris- | | |
| 34 | | | | onment of at least | | |
| 35 | | | | 4 years but less than | | |
| 36 | | | | 10 years | | 7 |
| 37 | 752.797(3)(e) | Variable | D | Using computer to commit | | |
| 38 | | | | crime punishable by a | | |
| 39 | | | | maximum term of impris- | | |
| 40 | | | | onment of at least | | |
| 41 | | | | 10 years but less than | | |
| 42 | | | | 20 years | | 10 |

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| Senate Bill No. 806 | | 3 | | | |
|---------------------|---------------|----------|---|---------------------------|------|
| 1 | 752.797(3)(f) | Variable | B | Using computer to commit | |
| 2 | | | | crime punishable by a | |
| 3 | | | | maximum term of impris- | |
| 4 | | | | onment of at least | |
| 5 | | | | 20 years or for life | 20 |
| 6 | 752.802 | Property | H | Vending machines -- | |
| 7 | | | | manufacture/sale of | |
| 8 | | | | slugs | 5 |
| 9 | 752.811 | Property | H | Breaking and entering a | |
| 10 | | | | coin operated device | 3 |
| 11 | 752.861 | Person | G | Careless discharge of | |
| 12 | | | | firearm causing injury | |
| 13 | | | | or death | 2 |
| 14 | 752.881 | Person | G | Reckless use of bow and | |
| 15 | | | | arrow resulting in | |
| 16 | | | | injury or death | 2 |
| 17 | 752.1003 | Property | F | Health care fraud -- | |
| 18 | | | | false claim/state, | |
| 19 | | | | unnecessary, conceal | |
| 20 | | | | information | 4 |
| 21 | 752.1004 | Property | F | Health care fraud -- | |
| 22 | | | | kickbacks/referral fees | 4 |
| 23 | 752.1005 | Property | H | Health care fraud -- | |
| 24 | | | | conspiracy | 10 |
| 25 | 752.1006 | Property | D | Health care fraud -- sub- | |
| 26 | | | | sequent offense | 20 |
| 27 | 752.1054(2) | Property | G | Copying audio/video | |
| 28 | | | | recordings for gain | 5 |
| 29 | 764.1e | Pub trst | C | Peace officer -- false | |
| 30 | | | | statement in a | |
| 31 | | | | complaint | 15 |
| 32 | 767.4a | Pub trst | F | Disclosing or possessing | |
| 33 | | | | grand jury information | 4 |
| 34 | 767a.9(1)(a) | Pub trst | C | Perjury committed in | |
| 35 | | | | prosecutor's investiga- | |
| 36 | | | | tive hearing -- noncap- | |
| 37 | | | | ital crime | 15 |
| 38 | 767a.9(1)(b) | Pub trst | B | Perjury committed in | |
| 39 | | | | prosecutor's | |
| 40 | | | | investigative hearing | |
| 41 | | | | -- capital crime | Life |

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Senate Bill No. 806 as amended February 5, 2002

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| | | | | | |
|----|---------------|----------|---|---------------------------|---|
| 1 | 780.1003 | PUB TRST | F | UNAUTHORIZED | |
| 2 | | | | INTERCEPTION, DISCLO- | |
| 3 | | | | SURE, OR USE OF WIRE, | |
| 4 | | | | ORAL, OR ELECTRONIC | |
| 5 | | | | COMMUNICATION | 4 |
| 6 | 780.1004 | PUB TRST | F | UNAUTHORIZED MANUFACTURE, | |
| 7 | | | | POSSESSION, SALE, | |
| 8 | | | | DELIVERY, OR ADVERTISE- | |
| 9 | | | | MENT OF COMMUNICATION | |
| 10 | | | | INTERCEPTION DEVICE | 4 |
| | 780.1006 | PUB TRST | F | UNAUTHORIZED DISCLOSURE | |
| | | | | OF COMMUNICATION | |
| | | | | INTERCEPTION | 4 |
| 11 | 800.281(1) | Pub saf | H | Furnishing prisoner with | |
| 12 | | | | contraband | 5 |
| 13 | 800.281(2) | Pub saf | H | Furnishing prisoner with | |
| 14 | | | | contraband outside | 5 |
| 15 | 800.281(3) | Pub saf | H | Bringing contraband into | |
| 16 | | | | prisons | 5 |
| 17 | 800.281(4) | Pub saf | E | Prisoner possessing | |
| 18 | | | | contraband | 5 |
| 19 | 800.283(1) | Pub saf | E | Furnishing weapon to | |
| 20 | | | | prisoner in prison | 5 |
| 21 | 800.283(2) | Pub saf | E | Prisons -- knowledge of a | |
| 22 | | | | weapon in a correc- | |
| 23 | | | | tional facility | 5 |
| 24 | 800.283(3) | Pub saf | E | Bringing weapon into | |
| 25 | | | | prison | 5 |
| 26 | 800.283(4) | Pub saf | E | Prisoner possessing | |
| 27 | | | | weapon | 5 |
| 28 | 801.262(1)(a) | Pub saf | E | Bringing weapon into jail | 5 |
| 29 | 801.262(1)(b) | Pub saf | E | Furnishing weapon to | |
| 30 | | | | prisoner in jail | 5 |
| 31 | 801.262(2) | Pub saf | E | Prisoner in jail possess- | |
| 32 | | | | ing weapon | 5 |
| 33 | 801.263(1) | Pub saf | H | Furnishing contraband to | |
| 34 | | | | prisoner in jail | 5 |
| 35 | 801.263(2) | Pub saf | H | Prisoner in jail possess- | |
| 36 | | | | ing contraband | 5 |

37 (2) For a violation of section 797(3) of 1979 PA 53,
 38 MCL 752.797, determine the offense category, offense variable

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1 level, and prior record variable level based on the underlying
2 offense.

3 Enacting section 1. This amendatory act does not take
4 effect unless Senate Bill No. 803 of the 91st Legislature is
5 enacted into law.