

Act No. 34
Public Acts of 2002
Approved by the Governor
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**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Reps. Faunce, McConico, Julian and O'Neil

ENROLLED HOUSE BILL No. 5393

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 1 and 12 of chapter XVII (MCL 777.1 and 777.12), section 1 as amended by 2000 PA 279 and section 12 as amended by 2001 PA 160, and by adding sections 12a, 12b, 12c, 12d, 12e, 12f, 12g, 12h, 12j, 12k, 12m, and 12n to chapter XVII.

The People of the State of Michigan enact:

CHAPTER XVII

Sec. 1. As used in this chapter:

(a) "Aircraft" means that term as defined in section 2 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2.

(b) "Departure" means that term as defined in section 31 of chapter IX.

(c) "Homicide" means any crime in which the death of a human being is an element of that crime.

(d) "Intermediate sanction" means that term as defined in section 31 of chapter IX.

(e) "ORV" means that term as defined in section 81101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101.

(f) "Snowmobile" means that term as defined in section 82101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101.

(g) "Vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79.

(h) "Vessel" means that term as defined in section 80104 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80104.

Sec. 12. This chapter applies to felonies enumerated in chapters 200 to 299 of the Michigan Compiled Laws as set forth in sections 12a to 12n of this chapter.

Sec. 12a. This chapter applies to the following felonies enumerated in chapters 200 to 219 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
205.27(1)(a)	Pub trst	G	Failure to file or false tax return or payment	5
205.27(1)(b)	Pub trst	G	Aiding and abetting tax evasion or filing false returns	5
205.27(1)(c)	Pub trst	G	Making/permitting false tax returns or payments	5
205.27(3)	Pub trst	G	False tax returns/perjury	15
205.28(1)(e)	Pub trst	G	State employee compromising taxes	5
205.28(1)(f)	Pub trst	G	Unauthorized disclosure of tax information	5
205.428(2)	Pub trst	G	Tobacco products tax act violations	5
205.428(3)	Pub trst	G	Illegal sale of cigarettes or other tobacco products with wholesale price of \$250.00 or more	5
205.428(6)	Pub trst	F	Illegal tobacco stamp or tobacco stamp device	10
205.428(7)	Pub trst	G	Illegal vending machine license, disk, or marker	5
207.118a	Pub ord	G	Gasoline tax — embezzlement over \$100	10
207.119	Pub trst	G	Gasoline or motor fuel tax violation	4
207.127c	Pub ord	G	Diesel fuel tax — embezzlement over \$100	10
207.754(3)	Pub trst	G	State treasurer — municipality tax — divulging confidential information	5

Sec. 12b. This chapter applies to the following felonies enumerated in chapters 220 to 256 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
252.311	Property	H	Destroying a tree or shrub to make a sign more visible	2

Sec. 12c. This chapter applies to the following felonies enumerated in chapters I and II of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.233a(7)	Pub ord	G	Odometer tampering	5
257.254	Property	E	Possessing stolen vehicle title	10
257.257(1)	Property	G	Altering or forging vehicle documents — first offense	5
257.257(2)	Property	G	Altering or forging vehicle documents — second offense	7
257.257(3)	Property	E	Altering or forging vehicle documents — third or subsequent offense	15

Sec. 12d. This chapter applies to the following felonies enumerated in chapters III, IV, and V of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.309(6)	Pub ord	F	Corrupting an examining officer	5
257.309(7)	Pub ord	F	Deviating from road test criteria	5
257.309(8)	Pub ord	F	Forging, counterfeiting, or altering road test certification	5
257.312b(6)	Pub ord	F	Corrupting a person or agency conducting a motorcycle driving test	5
257.312b(7)	Pub ord	F	Deviating from motorcycle road test criteria	5
257.312b(8)	Pub ord	F	Forging, counterfeiting, or altering motorcycle road test certification	5

257.329(1)	Property	G	Possession/sale of stolen or counterfeit insurance certificates	5
257.329(2)	Property	E	Possession/sale of stolen or counterfeit insurance certificates — second offense	7
257.329(3)	Property	E	Possession/sale of stolen or counterfeit insurance certificates — third or subsequent offense	15

Sec. 12e. This chapter applies to the following felonies enumerated in sections 601 to 624b of chapter VI of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.601b(3)	Person	C	Moving violation causing death to construction worker	15
257.601c(2)	Person	C	Moving violation causing death to operator of implement of husbandry	15
257.602a(2)	Pub saf	G	Fleeing and eluding — fourth degree	2
257.602a(3)	Pub saf	E	Fleeing and eluding — third degree	5
257.602a(4)	Person	D	Fleeing and eluding — second degree	10
257.602a(5)	Person	C	Fleeing and eluding — first degree	15
257.617(2)	Person	E	Failure to stop at scene of accident resulting in serious impairment or death	5
257.617(3)	Person	C	Failure to stop at scene of accident resulting in death when at fault	15

Sec. 12f. This chapter applies to the following felonies enumerated in sections 625 to 625o of chapter VI of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.625(4)(a)	Person	C	Operating a vehicle under the influence or while impaired causing death	15
257.625(4)(b)	Person	B	Operating a vehicle under the influence or while impaired causing death to certain persons	20
257.625(5)	Person	E	Operating a vehicle under the influence or while impaired causing serious impairment	5
257.625(7)(a)(ii)	Person	E	Operating a vehicle under the influence or while impaired with a minor in the vehicle — subsequent offense	5
257.625(8)(c)	Pub saf	E	Operating a vehicle under the influence — third or subsequent offense	5
257.625(9)(b)	Person	E	Allowing a vehicle to be operated while under the influence or impaired causing death	5
257.625(9)(c)	Person	G	Allowing a vehicle to be operated while under the influence or impaired causing serious impairment	2
257.625(10)(c)	Pub saf	E	Impaired driving — third or subsequent offense	5
257.625k(7)	Pub saf	D	Knowingly providing false information concerning an ignition interlock device	10
257.625k(9)	Pub saf	D	Failure to report illegal ignition interlock device	10
257.625m(5)	Pub saf	E	Commercial drunk driving — third or subsequent offense	5

Sec. 12g. This chapter applies to the following felonies enumerated in sections 626 to 750 of chapter VI of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.626c	Person	G	Felonious driving	2
257.653a(3)	Person	G	Failure to use due care and caution causing injury to emergency personnel	2
257.653a(4)	Person	C	Failure to use due care and caution causing death to emergency personnel	15
257.744a	Pub saf	D	False statement in citation — perjury	15

Sec. 12h. This chapter applies to the following felonies enumerated in chapters VII, VIII, and IX of the Michigan vehicle code, 1949 PA 300, within chapter 257 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.902	Pub saf	E	Motor vehicle code violations	5
257.903(1)	Property	E	Motor vehicle code — false certification — first offense	5
257.903(2)	Property	E	Motor vehicle code — false certification — second offense	7
257.903(3)	Property	D	Motor vehicle code — false certification — third or subsequent offense	15
257.904(4)	Person	C	Operating a vehicle without a license causing death	15
257.904(5)	Person	E	Operating a vehicle without a license causing serious impairment	5
257.904(7)	Person	G	Allowing a vehicle to be operated without a license causing serious impairment	2
	Person	E	Allowing a vehicle to be operated without a license causing death	5

Sec. 12j. This chapter applies to the following felonies enumerated in chapter 257 of the Michigan Compiled Laws beginning with MCL 257.941:

M.C.L.	Category	Class	Description	Stat Max
257.1353(2)	Pub trst	H	Motor vehicle — fail to record material matter — subsequent offense	2
257.1354(2)	Pub trst	H	Motor vehicle — general violations — subsequent offense	2
257.1355	Pub trst	H	Motor vehicle — fail to record transaction/falsify records	2

Sec. 12k. This chapter applies to the following felonies enumerated in chapters 258 to 260 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
259.80f(3)	Pub saf	D	Possessing weapon in sterile area of commercial airport	10
259.83(2)(b)	Pub saf	G	Aircraft — failure to comply with certification requirements — second violation	2
259.83(2)(c)	Pub saf	F	Aircraft — failure to comply with certification requirements — third or subsequent violation	4
259.83b(2)(a)	Pub saf	F	Conducting flight operations without certificate	4
259.83b(2)(b)	Pub saf	E	Conducting flight operations without certificate — second violation	5
259.83b(2)(c)	Pub saf	D	Conducting flight operations without certificate — third or subsequent violation	10
259.183	Property	E	Aircraft — unlawful taking or tampering	5
259.185(4)	Person	C	Operating or serving as crew of aircraft while under the influence causing death	15
259.185(5)	Person	E	Operating or serving as crew of aircraft while under the influence causing serious impairment	5
259.185(8)	Pub saf	E	Operating or serving as crew of aircraft while under the influence — third or subsequent offense	5

Sec. 12m. This chapter applies to the following felonies enumerated in chapters 285 to 289 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
285.82	Pub trst	H	Grain dealers act violations	5
285.279(2)(c)	Property	E	False pretenses under Michigan family farm development act involving \$1,000 to \$20,000 or with prior convictions	5

285.279(2)(d)	Property	D	False pretenses under Michigan family farm development act involving \$20,000 or more or with prior convictions	10
286.455(2)	Pub saf	G	Agriculture — hazardous substance	5
286.929(4)	Pub trst	G	Organic products act violations	4
287.323(1)	Person	C	Dangerous animal causing death	15
287.323(2)	Person	G	Dangerous animal causing serious injury	4
287.679	Pub ord	H	Dead animals — third or subsequent violation	1
287.744(1)	Pub ord	G	Animal industry act violations	5
287.855	Pub saf	G	Agriculture — contaminating livestock/false statement/violation of quarantine	5
287.967(5)	Pub ord	G	Cervidae producer violations	4
288.223	Pub saf	G	Sale or labeling of oleomargarine violations	3
288.257	Pub saf	G	Margarine violations	3
288.284	Pub trst	H	Selling falsely branded cheese	2
289.5107(2)	Pub saf	F	Adulterated, misbranded, or falsely identified food	4

Sec. 12n. This chapter applies to the following felonies enumerated in chapters 290 to 299 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
290.629(1)	Person	G	Weights and measures — assaults enforcement officer	2
290.631(3)	Pub trst	G	Weights and measures	5
290.650	Person	G	Motor fuels — assaulting/obstructing director or authorized representative	2
290.650b(3)	Pub trst	H	Motor fuels violations	2

Enacting section 1. Except as provided in enacting section 2, this amendatory act takes effect April 1, 2002.

Enacting section 2. Section 1 of chapter XVII of the code of criminal procedure, 1927 PA 175, MCL 777.1, as amended by this amendatory act, takes effect May 15, 2002.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.