

# HOUSE BILL No. 6340

July 23, 2008, Introduced by Reps. Clack, Condino, Meadows, Tobocman, Constan, Robert Jones, Miller, Donigan, Young, Vagnozzi, Bieda, Alma Smith, Warren, Hopgood, Cushingberry, Wenke, Hood, Virgil Smith and Jackson and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 16g of chapter XVII (MCL 777.16g), as amended  
by 2002 PA 630.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### 1 CHAPTER XVII

2 Sec. 16g. (1) This chapter applies to the following felonies  
3 enumerated in chapter 750 of the Michigan Compiled Laws:

4	M.C.L.	Category	Class	Description	Stat Max
5	750.135	Person	D	Exposing children with intent to injure or abandon	10

1	750.136b(2)	Person	B	Child abuse – first degree	15
2	750.136b(4)	Person	F	Child abuse – second degree	4
3	750.136b(5)	Person	G	Child abuse – third degree	2
4	750.136c	Person	B	Buying or selling an individual	20
5	750.145a	Person	F	Soliciting child to commit an immoral act	4
6	750.145b	Person	D	Accosting children for immoral purposes with prior conviction	10
7	750.145c(2)	Person	B	Child sexually abusive activity or materials – active involvement	20
8	750.145c(3)	Person	D	Child sexually abusive activity or materials – distributing, promoting, or financing	7
9	750.145c(4)	Person	F	Child sexually abusive <del>activities or</del> materials – possession	4
10	750.145d(2)(b)	Variable	G	Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 1 year but less than 2 years	2
11	750.145d(2)(c)	Variable	F	Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 2 years but less than 4 years	4

1	750.145d(2) (d)	Variable	D	Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 4 years but less than 10 years	10
2	750.145d(2) (e)	Variable	C	Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 10 years but less than 15 years	15
3	750.145d(2) (f)	Variable	B	Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 15 years or for life	20
4	750.145n(1)	Person	C	Vulnerable adult abuse – first degree	15
5	750.145n(2)	Person	F	Vulnerable adult abuse – second degree	4
6	750.145n(3)	Person	G	Vulnerable adult abuse – third degree	2
7	750.145o	Person	E	Death of vulnerable adult caused by unlicensed caretaker	5
8	750.145p(1)	Person	G	Vulnerable adult – commingling funds, obstructing investigation, or filing false information	2
9	750.145p(2)	Person	G	Retaliation or discrimination by caregiver against vulnerable adult	2

1	750.145p(5)	Person	E	Vulnerable adult – caregiver violations – subsequent offense	5
2	750.147b	Person	<del>EVARIABLE</del>	<del>Ethnic intimidation</del> <b>BIAS-MOTIVATED CRIME</b>	<del>2</del> <b>VARIABLE</b>

3           (2) For a violation of section 145d of the Michigan penal  
4 code, 1931 PA 328, MCL 750.145d, determine the offense category,  
5 offense variable level, and prior record variable level based on  
6 the underlying offense.

7           **(3) FOR A VIOLATION OF SECTION 147B OF THE MICHIGAN PENAL**  
8 **CODE, 1931 PA 328, MCL 777.147B, DETERMINE THE CRIME CLASS,**  
9 **OFFENSE VARIABLE LEVEL, AND PRIOR RECORD VARIABLE LEVEL BASED ON**  
10 **THE PREDICATE CRIME.**

11           Enacting section 1. This amendatory act does not take effect  
12 unless Senate Bill No.\_\_\_\_ or House Bill No. 6341(request no.  
13 06460'08) of the 94th Legislature is enacted into law.