

# HOUSE BILL No. 5157

November 14, 2013, Introduced by Reps. Banks, Heise, Graves, Kivela, Irwin, Zemke, Knezek, Nathan and Oakes and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 37 of chapter XVII (MCL 777.37), as amended by 2002 PA 137.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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CHAPTER XVII

Sec. 37. (1) Offense variable 7 is aggravated physical abuse. Score offense variable 7 by determining which of the following apply and by assigning the number of points attributable to the ~~one~~-1 that has the highest number of points:

(a) A victim was treated with sadism, torture, ~~or~~ excessive brutality, or **SIMILARLY EGREGIOUS** conduct designed to substantially increase the fear and anxiety a victim suffered

1 during the offense..... 50 points

2 (b) No victim was treated with sadism,  
3 torture, ~~ex~~-excessive brutality, or **SIMILARLY**  
4 **EGREGIOUS** conduct designed to substantially  
5 increase the fear and anxiety a victim suffered  
6 during the offense..... 0 points

7 (2) Count each person who was placed in danger of injury or  
8 loss of life as a victim.

9 (3) As used in this section, "sadism" means conduct that  
10 subjects a victim to extreme or prolonged pain or humiliation and  
11 is inflicted to produce suffering or for the offender's  
12 gratification.