

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.