

# HOUSE BILL No. 4328

March 12, 2003, Introduced by Reps. Bieda, Elkins, Gleason, Brandenburg, Vagnozzi, Accavitti, Condino, Wojno, Farrah, Spade, Phillips, Zelenko, Anderson, Woodward, Gillard, Rivet, Brown, Adamini, Law, Dennis, Gielegem, Daniels, Plakas, Lipsey, Paletko, Stallworth, Jamnick, O'Neil, Vander Veen and Hardman and referred to the Committee on Criminal Justice.

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:**

CHAPTER XVII

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

<u>M.C.L.</u>	<u>Category</u>	<u>Class</u>	<u>Description</u>	<u>Stat</u>	<u>Max</u>
750.135	Person	D	Exposing children with intent to injure or abandon		10
750.136b(2)	Person	<del>B</del> A	Child abuse -- first degree	<del>15</del>	Life
750.136b(4)	Person	F	Child abuse -- second degree		4

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1 2	750.136b(5)	Person	G	Child abuse -- third degree	2
3 4	750.136c	Person	B	Buying or selling an individual	20
5 6	750.145a	Person	F	Soliciting child to commit an immoral act	4
7 8 9	750.145b	Person	D	Accosting children for immoral purposes with prior conviction	10
10 11 12	750.145c(2)	Person	B	Child sexually abusive activity or materials -- active involvement	20
13 14 15 16	750.145c(3)	Person	D	Child sexually abusive activity or materials -- distributing, promoting, or financing	7
17 18 19	750.145c(4)	Person	F	Child sexually abusive activities or materials -- possession	4
20 21 22 23 24 25 26	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
27 28 29 30 31 32 33	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
34 35 36 37 38 39 40	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
41 42 43	750.145d(2)(e)	Variable	C	Using internet or computer to commit crime punishable by a	

1				maximum term of	
2				imprisonment of at	
3				least 10 years but less	
4				than 15 years	15
5	750.145d(2)(f)	Variable	B	Using internet or	
6				computer to commit	
7				crime punishable by a	
8				maximum term of	
9				imprisonment of at	
10				least 15 years or for	
11				life	20
12	750.145n(1)	Person	C	Vulnerable adult abuse --	
13				first degree	15
14	750.145n(2)	Person	F	Vulnerable adult abuse --	
15				second degree	4
16	750.145n(3)	Person	G	Vulnerable adult abuse --	
17				third degree	2
18	750.145o	Person	E	Death of vulnerable adult	
19				caused by unlicensed	
20				caretaker	5
21	750.145p(1)	Person	G	Vulnerable adult --	
22				commingling funds,	
23				obstructing	
24				investigation, or	
25				filing false	
26				information	2
27	750.145p(2)	Person	G	Retaliation or	
28				discrimination by	
29				caregiver against	
30				vulnerable adult	2
31	750.145p(5)	Person	E	Vulnerable adult --	
32				caregiver violations --	
33				subsequent offense	5
34	750.147b	Person	G	Ethnic intimidation	2

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

39 Enacting section 1. This amendatory act does not take

1 effect unless Senate Bill No. \_\_\_\_\_ or House Bill  
2 No. 4327 (request no. 00983'03) of the 92nd Legislature is  
3 enacted into law.