

# HOUSE BILL No. 4500

April 1, 2003, Introduced by Reps. Amos, LaJoy, Pastor, Pappageorge, Vander Veen, Voorhees, Acciavatti, Brandenburg, Casperson, Garfield, Taub, Ward, Emmons, Julian, Nofs, Gaffney, Ruth Johnson, Shaffer, Caul, DeRoche, Hune, Woronchak, Pumford, Vagnozzi, Rocca, Bisbee, Whitmer and Wenke 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:**

1 CHAPTER XVII

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

| 5  | <u>M.C.L.</u>  | <u>Category</u> | <u>Class</u> | <u>Description</u>   | <u>Stat Max</u> |
|----|----------------|-----------------|--------------|--|-----------------|
| 6  | 750.135        | Person          | D            | Exposing children with<br>7 intent to injure or<br>8 abandon                         | 10              |
| 9  | 750.135a(2)(c) | Person          | D            | Leaving child unattended<br>10 in vehicle resulting in<br>11 serious physical injury | 10              |
| 12 | 750.135a(2)(d) | Person          | B            | Leaving child unattended<br>13 in vehicle resulting in                               |                 |

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

|    |   |          |   |                           |    |
|----|---|----------|---|---------------------------|----|
| 1  |   |          |   | maximum term of           |    |
| 2  |   |          |   | imprisonment of at        |    |
| 3  |   |          |   | least 4 years but less    |    |
| 4  |   |          |   | than 10 years             | 10 |
| 5  | 750.145d(2)(e)  | Variable | C | Using internet or         |    |
| 6  |   |          |   | computer to commit        |    |
| 7  |   |          |   | crime punishable by a     |    |
| 8  |   |          |   | maximum term of           |    |
| 9  |   |          |   | imprisonment of at        |    |
| 10 |   |          |   | least 10 years but less   |    |
| 11 |   |          |   | than 15 years             | 15 |
| 12 | 750.145d(2)(f)  | Variable | B | Using internet or         |    |
| 13 |   |          |   | computer to commit        |    |
| 14 |   |          |   | crime punishable by a     |    |
| 15 |   |          |   | maximum term of           |    |
| 16 |   |          |   | imprisonment of at        |    |
| 17 |   |          |   | least 15 years or for     |    |
| 18 |   |          |   | life                      | 20 |
| 19 | 750.145n(1)   | Person   | C | Vulnerable adult abuse -- |    |
| 20 |   |          |   | first degree              | 15 |
| 21 | 750.145n(2)   | Person   | F | Vulnerable adult abuse -- |    |
| 22 |   |          |   | second degree             | 4  |
| 23 | 750.145n(3)   | Person   | G | Vulnerable adult abuse -- |    |
| 24 |   |          |   | third degree              | 2  |
| 25 | 750.145o  | Person   | E | Death of vulnerable adult |    |
| 26 |   |          |   | caused by unlicensed      |    |
| 27 |   |          |   | caretaker                 | 5  |
| 28 | 750.145p(1)   | Person   | G | Vulnerable adult --       |    |
| 29 |   |          |   | commingling funds,        |    |
| 30 |   |          |   | obstructing               |    |
| 31 |   |          |   | investigation, or         |    |
| 32 |   |          |   | filing false              |    |
| 33 |   |          |   | information               | 2  |
| 34 | 750.145p(2)   | Person   | G | Retaliation or            |    |
| 35 |   |          |   | discrimination by         |    |
| 36 |   |          |   | caregiver against         |    |
| 37 |   |          |   | vulnerable adult          | 2  |
| 38 | 750.145p(5)   | Person   | E | Vulnerable adult --       |    |
| 39 |   |          |   | caregiver violations --   |    |
| 40 |   |          |   | subsequent offense        | 5  |
| 41 | 750.147b  | Person   | G | Ethnic intimidation       | 2  |
| 42 | (2) For a violation of section 145d of the Michigan penal |          |   |                           |    |

1 code, 1931 PA 328, MCL 750.145d, determine the offense category,  
2 offense variable level, and prior record variable level based on  
3 the underlying offense.

4 Enacting section 1. This amendatory act does not take  
5 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4499  
6 (request no. 02880'03) of the 92nd Legislature is enacted into  
7 law.