

HOUSE BILL NO. 5450

October 21, 2021, Introduced by Reps. Markkanen and LaGrand and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 58 to chapter XVII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVII

1
2 **Sec. 58. (1) Prior record variable 8 is civic engagement or**
3 **evidence of employment. Subject to subsection (3), the court shall**
4 **score prior record variable 8 by determining if any of the**
5 **following apply and by reducing the defendant's prior record**

1 variable score by not more than 5 points, as the court considers
2 appropriate:

3 (a) The defendant was honorably discharged from a branch of
4 the United State Armed Forces or the defendant successfully
5 completed a term of service in AmeriCorps or the Peace Corps
6 subtract 5 points.

7 (b) The defendant is employed or the defendant's work
8 history indicates that he or she has been a substantial
9 contributor to his or her community when he or she was employed
10 subtract 5 points.

11 (c) The defendant is unemployed or underemployed but is
12 making substantial efforts to seek employment
13 subtract 5 points.

14 (2) As used in this section, "substantial efforts" means the
15 defendant has done 1 of the following:

16 (a) Registered with Michigan works at least 30 days before
17 sentencing, and has a report to that effect from Michigan works.

18 (b) Has applied for at least 20 jobs in 30 days before
19 sentencing, is able to furnish a document evidencing he or she
20 applied to those jobs, and has accepted any work offered.

21 (c) Has a current offer of employment and can furnish evidence
22 of the offer of employment.

23 (3) Prior record variable 8 must not be scored if the
24 defendant was charged in connection with an allegation of medical
25 malpractice or if a victim of the crime for which the defendant is
26 being sentenced was the defendant's employer.

27 Enacting section 1. This amendatory act takes effect 90 days
28 after the date it is enacted into law.