

HOUSE BILL NO. 5451

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

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XVII (MCL 777.22), as amended by 2003 PA 134, and by adding section 49h to chapter XVII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER XVII

Sec. 22. (1) For all crimes against a person, score offense variables 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 19, and 20. Score offense variables 5 and 6 for homicide, attempted homicide,

1 conspiracy or solicitation to commit a homicide, or assault with
2 intent to commit murder. Score offense variable 16 under this
3 subsection for a violation or attempted violation of section 110a
4 of the Michigan penal code, 1931 PA 328, MCL 750.110a. Score
5 offense variables 17 and 18 if the offense or attempted offense
6 involves the operation of a vehicle, vessel, ORV, snowmobile,
7 aircraft, or locomotive.

8 (2) For all crimes against property, score offense variables
9 1, 2, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20.

10 (3) For all crimes involving a controlled substance, score
11 offense variables 1, 2, 3, 12, 13, 14, 15, 19, and 20.

12 (4) For all crimes against public order and all crimes against
13 public trust, score offense variables 1, 3, 4, 9, 10, 12, 13, 14,
14 16, 19, and 20.

15 (5) For all crimes against public safety, score offense
16 variables 1, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20. Score offense
17 variable 18 if the offense or attempted offense involves the
18 operation of a vehicle, vessel, ORV, snowmobile, aircraft, or
19 locomotive.

20 **(6) Subject to the provisions of this subsection, for all**
21 **crimes to which it is applicable to the facts of the case, the**
22 **court shall score offense variable 27. Offense variable 27 must be**
23 **scored after the scoring of offense variables 1, 2, 3, 4, 5, 6, 7,**
24 **8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20. However, in**
25 **no case may the scoring of offense variables 24, 27, 29, 30, 32,**
26 **and 34 result in the reduction of a defendant's offense variable**
27 **score by more than 2 offense variable levels on the applicable**
28 **sentencing grid.**

29 **Sec. 49h. Offense variable 27 is cooperation with law**

1 enforcement. The court shall score offense variable 27 by
2 determining if any of the following apply and by reducing the
3 defendant's offense variable score by not more than 10 points as
4 the court considers appropriate:

5 (a) The prosecutor has filed a motion
6 seeking the reduction and the defendant has
7 provided substantial assistance to law
8 enforcement prior to trial..... subtract 5 points

9 (b) The defendant has pleaded guilty before
10 trial in the matter to the offense or offenses as
11 charged, or to a reduced or amended charge or
12 charges as offered by the prosecution..... subtract 5 points

13 (c) The defendant testifies against a
14 codefendant at trial and the prosecutor and the
15 judge agree that the testimony was helpful in the
16 conviction of a codefendant and the prosecutor
17 files a motion requesting the reduction..... subtract 10 points

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