

**SUBSTITUTE FOR  
HOUSE BILL NO. 5589**

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  
2015 PA 137.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** CHAPTER XVII

**2** Sec. 37. (1) Offense variable 7 is aggravated physical abuse.  
**3** Score offense variable 7 by determining which of the following  
**4** apply and by assigning the number of points attributable to the 1  
**5** that has the highest number of points:



1 (a) A victim was treated  
2 with sadism, torture, excessive  
3 brutality, or similarly egregious  
4 conduct designed to substantially  
5 increase the fear and anxiety a  
6 victim suffered during the  
7 offense..... 50 points

8 (b) A companion animal was  
9 treated with sadism, torture,  
10 excessive brutality, or similarly  
11 egregious conduct designed to  
12 substantially increase the fear  
13 and anxiety a companion animal  
14 suffered during the offense..... 25 points

15 (c) ~~(b)~~ No victim or  
16 companion animal was treated with  
17 sadism, torture, excessive  
18 brutality, or similarly egregious  
19 conduct designed to substantially  
20 increase the fear and anxiety a  
21 victim suffered during the  
22 offense..... 0 points

23 (2) ~~Count~~ Assign points for each person or companion animal  
24 who was placed in danger of injury or loss of life. ~~as a victim.~~

25 (3) As used in this section, "sadism" means conduct that  
26 subjects a victim or companion animal to extreme or prolonged pain  
27 or humiliation and is inflicted to produce suffering or for the  
28 offender's gratification.

29 Enacting section 1. This amendatory act does not take effect



1 unless all of the following bills of the 102nd Legislature are  
2 enacted into law:

3 (a) House Bill No. 5588.

4 (b) House Bill No. 5592.

