

HOUSE BILL NO. 5587

March 14, 2024, Introduced by Reps. Young, Neeley, Brenda Carter, Grant, O'Neal, McKinney, Tsernoglou, McFall, Edwards, MacDonell, Aragona, Haadsma, Tyrone Carter, Hope, Coffia, Dievendorf, Koleszar, Rheingans, Morgan, Scott and Aiyash and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 33 of chapter XVII (MCL 777.33), as amended by 2021 PA 84.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER XVII

Sec. 33. (1) Offense variable 3 is physical injury to a victim **or a companion animal**. Score offense variable 3 by determining which of the following subdivisions apply and by assigning the number of points attributable to the applicable subdivision that

1 has the highest number of points:

2 (a) A victim was killed..... 100 points

3 **(b) A companion animal was killed.. 50 points**

4 (c) ~~(b)~~A victim was
5 killed..... 50 points

6 **(d) A companion animal was killed.. 25 points**

7 (e) ~~(e)~~Life threatening or
8 permanent incapacitating injury occurred
9 to a victim..... 25 points

10 **(f) Life threatening or permanent**
11 **incapacitating injury occurred to a**
12 **companion animal..... 15 points**

13 (g) ~~(d)~~Bodily injury requiring
14 medical treatment occurred to a victim.. 10 points

15 **(h) Bodily injury requiring medical**
16 **treatment occurred to a companion**
17 **animal..... 5 points**

18 (i) ~~(e)~~Bodily injury not requiring
19 medical treatment occurred to a
20 victim..... 5 points

21 (j) ~~(f)~~No physical injury occurred
22 to a victim..... 0 points

23 (2) All of the following apply to scoring offense variable 3:

24 (a) In multiple offender cases, if 1 offender is assessed
25 points for death or physical injury, all offenders must be assessed
26 the same number of points.

27 (b) Score 100 points if death results from the commission of a
28 crime and homicide is not the sentencing offense. **Score 50 points**
29 **if death of a companion animal results from the commission of a**

1 **crime and killing a companion animal is not the sentencing offense.**

2 (c) Score 50 points if death **of a person** results from the
3 commission of a crime **or score 25 points if death of a companion**
4 **animal results from the commission of a crime** and the offense or
5 attempted offense involves the operation of a vehicle, vessel, ORV,
6 snowmobile, aircraft, or locomotive and any of the following apply:

7 (i) The offender was under the influence of or visibly impaired
8 by the use of alcoholic liquor, a controlled substance, or a
9 combination of alcoholic liquor and a controlled substance.

10 (ii) The offender had an alcohol content of 0.08 grams or more
11 per 100 milliliters of blood, per 210 liters of breath, or per 67
12 milliliters of urine or, beginning 5 years after the state
13 treasurer publishes a certification under section 625(28) of the
14 Michigan vehicle code, 1949 PA 300, MCL 257.625, the offender had
15 an alcohol content of 0.10 grams or more per 100 milliliters of
16 blood, per 210 liters of breath, or per 67 milliliters of urine.

17 (iii) The offender's body contained any amount of a controlled
18 substance listed in schedule 1 under section 7212 of the public
19 health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under
20 that section, or a controlled substance described in section
21 7214(a) (iv) of the public health code, 1978 PA 368, MCL 333.7214.

22 (d) Do not score 5 points if bodily injury **to a victim** is an
23 element of the sentencing offense.

24 (3) As used in this section, "requiring medical treatment"
25 refers to the necessity for treatment and not the victim's success
26 in obtaining treatment.

27 Enacting section 1. This amendatory act does not take effect
28 unless Senate Bill No.____ or House Bill No. 5588 (request no.
29 04563'23) of the 102nd Legislature is enacted into law.