

**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.