

HOUSE BILL NO. 5704

May 07, 2024, Introduced by Reps. Beeler, Bezotte, Rigas and DeBoyer and referred to the Committee on Government Operations.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 81, 81a, 81d, 82, 83, 84, 85, 86, 87, 88, 89,
91, 110a, 111, 122, 136b, 145a, 145c, 159j, 174, 174a, 193, 195,
197c, 207, 213, 218, 224f, 227b, 234a, 317, 317a, 321, 349, 349b,
356, 356a, 356c, 356d, 357, 357b, 360, 362, 377a, 377b, 380, 383a,
411h, 411i, 411u, 451, 459, 479, 479a, 479b, 483a, 520b, 520c,
520d, 520e, 520g, 529, 529a, 530, 531, and 553 (MCL 750.81,
750.81a, 750.81d, 750.82, 750.83, 750.84, 750.85, 750.86, 750.87,
750.88, 750.89, 750.91, 750.110a, 750.111, 750.122, 750.136b,

750.145a, 750.145c, 750.159j, 750.174, 750.174a, 750.193, 750.195, 750.197c, 750.207, 750.213, 750.218, 750.224f, 750.227b, 750.234a, 750.317, 750.317a, 750.321, 750.349, 750.349b, 750.356, 750.356a, 750.356c, 750.356d, 750.357, 750.357b, 750.360, 750.362, 750.377a, 750.377b, 750.380, 750.383a, 750.411h, 750.411i, 750.411u, 750.451, 750.459, 750.479, 750.479a, 750.479b, 750.483a, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, 750.530, 750.531, and 750.553), sections 81 and 81a as amended by 2023 PA 271, section 81d as amended by 2006 PA 517, section 82 as amended by 2023 PA 272, section 84 as amended by 2012 PA 367, section 85 as added by 2005 PA 335, section 110a as amended by 1999 PA 44, section 111 as amended by 2008 PA 10, section 122 as added by 2000 PA 452, section 136b as amended by 2020 PA 49, section 145a as amended by 2002 PA 45, section 145c as amended by 2018 PA 373, section 159j as amended by 2006 PA 129, section 174 as amended by 2019 PA 173, section 174a as amended by 2013 PA 34, section 193 as amended by 1998 PA 510, section 195 as amended by 1987 PA 212, section 197c as amended by 2006 PA 535, sections 207 and 520b as amended by 2014 PA 23, section 218 as amended by 2011 PA 201, section 224f as amended by 2023 PA 201, section 227b as amended by 2015 PA 26, section 234a as amended by 2014 PA 191, section 317a as added by 2005 PA 167, section 349 as amended by 2014 PA 330, section 349b as added by 2006 PA 160, section 356 as amended by 2013 PA 217, section 356a as amended by 2008 PA 476, sections 356c and 356d as amended by 1998 PA 311, section 357b as added by 1990 PA 321, sections 377a, 380, and 411h as amended by 2023 PA 199, section 383a as amended by 2008 PA 413, section 411i as amended by 1997 PA 65, section 411u as added by 2008 PA 564, section 451 as amended by 2016 PA 338, section 459 as amended by 2016 PA 485,

section 479 as amended by 2002 PA 270, section 479a as amended by 2012 PA 60, section 479b as added by 1994 PA 33, section 483a as amended by 2023 PA 49, section 520c as amended by 2012 PA 372, sections 520d and 520e as amended by 2023 PA 126, section 529 as amended by 2020 PA 313, sections 529a and 530 as amended by 2004 PA 128, and section 553 as added by 2014 PA 224; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81. (1) Except as otherwise provided in this section, a
 2 person who assaults or assaults and batters an individual, if no
 3 other punishment is prescribed by law, is guilty of a ~~misdemeanor~~
 4 ~~punishable by~~ **felony. The court shall sentence the person to**
 5 imprisonment for not ~~more~~ **less** than ~~93 days~~ **1 year** or **more than**
 6 **life or any term of years and may impose** a fine of not more than
 7 \$500.00, or both. If the victim of a violation under this
 8 subsection is a health professional or medical volunteer and the
 9 violation occurs while the victim is performing the victim's duties
 10 as a health professional or medical volunteer, the person is guilty
 11 of a misdemeanor punishable by imprisonment for not more than 93
 12 days or a fine of not more than \$1,000.00, or both. The enhanced
 13 fine under this subsection does not apply if the defendant is a
 14 patient who is receiving treatment from the victim.

15 (2) Except as provided in subsection (3), (4), or (5), an
 16 individual who assaults or assaults and batters the individual's
 17 spouse or former spouse, an individual with whom the individual has
 18 or has had a dating relationship, an individual with whom the
 19 individual has had a child in common, or a resident or former
 20 resident of the individual's household, is guilty of a ~~misdemeanor~~
 21 ~~punishable by~~ **felony. The court shall sentence the person to**

1 imprisonment for not ~~more~~**less** than ~~93 days~~**4 years** or **more than**
 2 **life or any term of years and may impose** a fine of not more than
 3 \$500.00, or both.

4 (3) An individual who assaults or assaults and batters an
 5 individual who is pregnant and who knows the individual is pregnant
 6 is guilty of a ~~misdemeanor punishable by~~**felony. The court shall**
 7 **sentence the person to** imprisonment for not ~~more~~**less** than ~~93 days~~
 8 2 years or **more than life or any term of years and may impose** a
 9 fine of not more than \$500.00, or both.

10 (4) An individual who commits an assault or an assault and
 11 battery in violation of subsection (2) or (3), and who has
 12 previously been convicted of assaulting or assaulting and battering
 13 an individual described in either subsection (2) or subsection (3)
 14 under any of the following, is guilty of a ~~misdemeanor punishable~~
 15 ~~by imprisonment~~**felony. The court shall sentence the person to**
 16 **imprisonment** for not ~~more~~**less** than ~~1 year~~**2 years and 6 months** or
 17 **more than life or any term of years and may impose** a fine of not
 18 more than \$1,000.00, or both:

19 (a) This section or an ordinance of a political subdivision of
 20 this state substantially corresponding to this section.

21 (b) Section 81a, 82, 83, 84, or 86.

22 (c) A law of another state or an ordinance of a political
 23 subdivision of another state substantially corresponding to this
 24 section or section 81a, 82, 83, 84, or 86.

25 (5) An individual who commits an assault or an assault and
 26 battery in violation of subsection (2) or (3), and who has 2 or
 27 more previous convictions for assaulting or assaulting and
 28 battering an individual described in either subsection (2) or
 29 subsection (3) under any of the following, is guilty of a felony.

1 ~~punishable by~~ **The court shall sentence the person to** imprisonment
 2 for not ~~more~~ **less** than ~~5 years~~ **1 year** or **more than life or any term**
 3 **of years and may impose** a fine of not more than \$5,000.00, or both:

4 (a) This section or an ordinance of a political subdivision of
 5 this state substantially corresponding to this section.

6 (b) Section 81a, 82, 83, 84, or 86.

7 (c) A law of another state or an ordinance of a political
 8 subdivision of another state substantially corresponding to this
 9 section or section 81a, 82, 83, 84, or 86.

10 (6) This section does not apply to an individual using
 11 necessary reasonable physical force in compliance with section 1312
 12 of the revised school code, 1976 PA 451, MCL 380.1312.

13 (7) The operator of a health facility or agency or a hospital
 14 or psychiatric hospital shall post a sign in the health facility or
 15 agency or hospital or psychiatric hospital in a prominent and
 16 visible location that provides that a person, other than a patient
 17 receiving treatment, who assaults a health professional or medical
 18 volunteer in violation of this section is subject to the enhanced
 19 fine provided for in this section and that a patient receiving
 20 treatment who assaults a health professional or medical volunteer
 21 may still be subject to prosecution under this section.

22 (8) As used in this section:

23 (a) "Dating relationship" means frequent, intimate
 24 associations primarily characterized by the expectation of
 25 affectional involvement. This term does not include a casual
 26 relationship or an ordinary fraternization between 2 individuals in
 27 a business or social context.

28 (b) "Health facility or agency" means a health facility or
 29 agency licensed under article 17 of the public health code, 1978 PA

1 368, MCL 333.20101 to 333.22260.

2 (c) "Health professional" means an individual who is employed
3 or granted privileges by or under contract with a hospital or
4 psychiatric hospital, health facility or agency, health system, or
5 health care provider, whether operated by a governmental unit or a
6 private entity, and whose duties within the scope of that
7 employment, privilege, or contract involve the provision of direct
8 patient care and require licensure, registration, certification, or
9 other regulation or authorization under the public health code,
10 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing
11 indirect patient care under the direction of a hospital or
12 psychiatric hospital, health facility or agency, health system, or
13 health care provider.

14 (d) "Hospital or psychiatric hospital" means a hospital or
15 psychiatric hospital licensed under the mental health code, 1974 PA
16 258, MCL 330.1001 to 330.2106.

17 (e) "Medical volunteer" means an individual who is
18 volunteering at a hospital or psychiatric hospital, health facility
19 or agency, in a health system, or with a health care provider,
20 whether operated by a governmental unit or a private entity, and
21 whose duties as a volunteer involve the provision of direct patient
22 care, or who is providing indirect patient care under the direction
23 of a hospital or psychiatric hospital, health facility or agency,
24 health system, or health care provider.

25 Sec. 81a. (1) Except as otherwise provided in this section, a
26 person who assaults an individual without a weapon and inflicts
27 serious or aggravated injury upon that individual without intending
28 to commit murder or to inflict great bodily harm less than murder
29 is guilty of a ~~misdemeanor punishable by~~ **felony. The court shall**

1 **sentence the person to** imprisonment for not ~~more-less~~ than ~~1-year-2~~
2 **years or more than life or any term of years and may impose** a fine
3 of not more than \$1,000.00, or both. If the victim of a violation
4 under this subsection is a health professional or medical volunteer
5 and the violation occurs while the victim is performing the
6 victim's duties as a health professional or medical volunteer, the
7 person is guilty of a misdemeanor punishable by imprisonment for
8 not more than 1 year or a fine of not more than \$2,000.00, or both.
9 The enhanced fine under this subsection does not apply if the
10 defendant is a patient who is receiving treatment from the victim.

11 (2) Except as provided in subsection (3), an individual who
12 assaults the individual's spouse or former spouse, an individual
13 with whom the individual has or has had a dating relationship, an
14 individual with whom the individual has had a child in common, or a
15 resident or former resident of the same household without a weapon
16 and inflicts serious or aggravated injury upon that individual
17 without intending to commit murder or to inflict great bodily harm
18 less than murder is guilty of a ~~misdemeanor punishable by~~ **felony.**
19 **The court shall sentence the person to** imprisonment for not ~~more~~
20 **less** than ~~1-year-2~~ **years or more than life or any term of years and**
21 **may impose** a fine of not more than \$1,000.00, or both.

22 (3) An individual who commits an assault and battery in
23 violation of subsection (2), and who has 1 or more previous
24 convictions for assaulting or assaulting and battering the
25 individual's spouse or former spouse, an individual with whom the
26 individual has or has had a dating relationship, an individual with
27 whom the individual has had a child in common, or a resident or
28 former resident of the same household, in violation of any of the
29 following, is guilty of a felony ~~punishable by~~ **and the court shall**

1 **sentence the person to** imprisonment for not ~~more~~**less** than ~~5~~**10**
2 **years or more than life or any term of years and may impose** a fine
3 of not more than \$5,000.00, or both:

4 (a) This section or an ordinance of a political subdivision of
5 this state substantially corresponding to this section.

6 (b) Section 81, 82, 83, 84, or 86.

7 (c) A law of another state or an ordinance of a political
8 subdivision of another state substantially corresponding to this
9 section or section 81, 82, 83, 84, or 86.

10 (4) The operator of a health facility or agency or a hospital
11 or psychiatric hospital shall post a sign in the health facility or
12 agency or hospital or psychiatric hospital in a prominent and
13 visible location that provides that a person, other than a patient
14 receiving treatment, who assaults a health professional or medical
15 volunteer in violation of this section is subject to the enhanced
16 fine provided for in this section and that a patient receiving
17 treatment who assaults a health professional or medical volunteer
18 may still be subject to prosecution under this section.

19 (5) As used in this section:

20 (a) "Dating relationship" means frequent, intimate
21 associations primarily characterized by the expectation of
22 affectional involvement. This term does not include a casual
23 relationship or an ordinary fraternization between 2 individuals in
24 a business or social context.

25 (b) "Health facility or agency" means a health facility or
26 agency licensed under article 17 of the public health code, 1978 PA
27 368, MCL 333.20101 to 333.22260.

28 (c) "Health professional" means an individual who is employed
29 or granted privileges by or under contract with a hospital or

1 psychiatric hospital, health facility or agency, health system, or
2 health care provider, whether operated by a governmental unit or a
3 private entity, and whose duties within the scope of that
4 employment, privilege, or contract involve the provision of direct
5 patient care and require licensure, registration, certification, or
6 other regulation or authorization under the public health code,
7 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing
8 indirect patient care under the direction of a hospital or
9 psychiatric hospital, health facility or agency, health system, or
10 health care provider.

11 (d) "Hospital or psychiatric hospital" means a hospital or
12 psychiatric hospital licensed under the mental health code, 1974 PA
13 258, MCL 330.1001 to 330.2106.

14 (e) "Medical volunteer" means an individual who is
15 volunteering at a hospital or psychiatric hospital, health facility
16 or agency, in a health system, or with a health care provider,
17 whether operated by a governmental unit or a private entity, and
18 whose duties as a volunteer involve the provision of direct patient
19 care, or who is providing indirect patient care under the direction
20 of a hospital or psychiatric hospital, health facility or agency,
21 health system, or health care provider.

22 Sec. 81d. (1) Except as provided in subsections (2), (3), and
23 (4), an individual who assaults, batters, wounds, resists,
24 obstructs, opposes, or endangers a person who the individual knows
25 or has reason to know is performing his or her duties is guilty of
26 a felony. ~~punishable by~~ **The court shall sentence the person to**
27 **imprisonment for not more-less than 2 years or more than life or**
28 **any term of years and may impose** a fine of not more than \$2,000.00,
29 or both.

1 (2) An individual who assaults, batters, wounds, resists,
2 obstructs, opposes, or endangers a person who the individual knows
3 or has reason to know is performing his or her duties causing a
4 bodily injury requiring medical attention or medical care to that
5 person is guilty of a felony. ~~punishable by~~ **The court shall**
6 **sentence the person to** imprisonment for not ~~more~~ **less** than 4 years
7 or **more than life or any term of years and may impose** a fine of not
8 more than \$5,000.00, or both.

9 (3) An individual who assaults, batters, wounds, resists,
10 obstructs, opposes, or endangers a person who the individual knows
11 or has reason to know is performing his or her duties causing a
12 serious impairment of a body function of that person is guilty of a
13 felony. ~~punishable by~~ **The court shall sentence the person to**
14 imprisonment for not ~~more~~ **less** than ~~15~~ **8** years or **more than life or**
15 **any term of years and may impose** a fine of not more than
16 \$10,000.00, or both.

17 (4) An individual who assaults, batters, wounds, resists,
18 obstructs, opposes, or endangers a person who the individual knows
19 or has reason to know is performing his or her duties causing the
20 death of that person is guilty of a felony punishable by
21 imprisonment for not more than 20 years or a fine of not more than
22 \$20,000.00, or both.

23 (5) This section does not prohibit an individual from being
24 charged with, convicted of, or punished for any other violation of
25 law that is committed by that individual while violating this
26 section.

27 (6) A term of imprisonment imposed for a violation of this
28 section may run consecutively to any term of imprisonment imposed
29 for another violation arising from the same transaction.

1 (7) As used in this section:

2 (a) "Obstruct" includes the use or threatened use of physical
3 interference or force or a knowing failure to comply with a lawful
4 command.

5 (b) "Person" means any of the following:

6 (i) A police officer of this state or of a political
7 subdivision of this state, including, but not limited to, a motor
8 carrier officer or capitol security officer of the department of
9 state police.

10 (ii) A police officer of a junior college, college, or
11 university who is authorized by the governing board of that junior
12 college, college, or university to enforce state law and the rules
13 and ordinances of that junior college, college, or university.

14 (iii) A conservation officer of the department of natural
15 resources or the department of ~~environmental quality~~**environment,**
16 **Great Lakes, and energy.**

17 (iv) A conservation officer of the United States ~~department of~~
18 ~~the interior~~**Department of the Interior.**

19 (v) A sheriff or deputy sheriff.

20 (vi) A constable.

21 (vii) A peace officer of a duly authorized police agency of the
22 United States, including, but not limited to, an agent of the
23 ~~secret service or department of justice~~**Secret Service or**
24 **Department of Justice.**

25 (viii) A firefighter.

26 (ix) Any emergency medical service personnel described in
27 section 20950 of the public health code, 1978 PA 368, MCL
28 333.20950.

29 (x) An individual engaged in a search and rescue operation as

1 that term is defined in section 50c.

2 (c) "Serious impairment of a body function" means that term as
3 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
4 MCL 257.58c.

5 Sec. 82. (1) Except as otherwise provided in this subsection
6 or subsection (2), a person who assaults another person with a gun,
7 revolver, pistol, knife, iron bar, club, brass knuckles, or other
8 dangerous weapon without intending to commit murder or to inflict
9 great bodily harm less than murder is guilty of a felony.
10 ~~punishable by~~ **The court shall sentence the person to** imprisonment
11 for not ~~more~~ **less** than 4 years or **more than life or any term of**
12 **years and may impose** a fine of not more than \$2,000.00, or both. If
13 the victim of a violation under this subsection is a health
14 professional or medical volunteer and the violation occurs while
15 the victim is performing the victim's duties as a health
16 professional or medical volunteer, the person is guilty of a felony
17 punishable by imprisonment for not more than 4 years or a fine of
18 not more than \$4,000.00, or both. The enhanced fine under this
19 subsection does not apply if the defendant is a patient who is
20 receiving treatment from the victim.

21 (2) A person who violates subsection (1) in a weapon free
22 school zone is guilty of a felony punishable by 1 or more of the
23 following:

24 (a) Imprisonment for not more than 4 years.

25 (b) Community service for not more than 150 hours.

26 (c) A fine of not more than \$6,000.00.

27 (3) The operator of a health facility or agency or a hospital
28 or psychiatric hospital shall post a sign in the health facility or
29 agency or hospital or psychiatric hospital in a prominent and

1 visible location that provides that a person, other than a patient
2 receiving treatment, who assaults a health professional or medical
3 volunteer in violation of this section is subject to the enhanced
4 fine as provided for in this section and that a patient receiving
5 treatment who assaults a health professional or medical volunteer
6 may still be subject to prosecution under this section.

7 (4) As used in this section:

8 (a) "Health facility or agency" means a health facility or
9 agency licensed under article 17 of the public health code, 1978 PA
10 368, MCL 333.20101 to 333.22260.

11 (b) "Health professional" means an individual who is employed
12 or granted privileges by or under contract with a hospital or
13 psychiatric hospital, health facility or agency, health system, or
14 health care provider, whether operated by a governmental unit or a
15 private entity, and whose duties within the scope of that
16 employment, privilege, or contract involve the provision of direct
17 patient care and require licensure, registration, certification, or
18 other regulation or authorization under the public health code,
19 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing
20 indirect patient care under the direction of a hospital or
21 psychiatric hospital, health facility or agency, health system, or
22 health care provider.

23 (c) "Hospital or psychiatric hospital" means a hospital or
24 psychiatric hospital licensed under the mental health code, 1974 PA
25 258, MCL 330.1001 to 330.2106.

26 (d) "Medical volunteer" means an individual who is
27 volunteering at a hospital or psychiatric hospital, health facility
28 or agency, in a health system, or with a health care provider,
29 whether operated by a governmental unit or a private entity, and

1 whose duties as a volunteer involve the provision of direct patient
 2 care, or who is providing indirect patient care under the direction
 3 of a hospital or psychiatric hospital, health facility or agency,
 4 health system, or health care provider.

5 (e) "School" means a public, private, denominational, or
 6 parochial school offering developmental kindergarten, kindergarten,
 7 or any grade from 1 through 12.

8 (f) "School property" means a building, playing field, or
 9 property used for school purposes to impart instruction to children
 10 or used for functions and events sponsored by a school, except a
 11 building used primarily for adult education or college extension
 12 courses.

13 (g) "Weapon free school zone" means school property and a
 14 vehicle used by a school to transport students to or from school
 15 property.

16 Sec. 83. ~~Assault with intent to commit murder—Any~~ **A** person who
 17 ~~shall assault~~ **assaults** another with intent to commit the crime of
 18 murder, ~~shall be~~ **is** guilty of a felony. ~~punishable by~~ **The court**
 19 **shall sentence the person to** imprisonment ~~in the state prison for~~
 20 **not less than 15 years or more than** life or any ~~number~~ **term** of
 21 years.

22 Sec. 84. (1) A person who ~~does either of the following~~
 23 **assaults another person with intent to do great bodily harm, less**
 24 **than the crime of murder** is guilty of a felony. ~~punishable by~~ **The**
 25 **court shall sentence the person to** imprisonment for not ~~more~~ **less**
 26 than ~~10~~ **7** years **and 6 months** or **more than life or any term of years**
 27 **and may impose** a fine of not more than \$5,000.00, or both. ÷

28 ~~(a) Assaults another person with intent to do great bodily~~
 29 ~~harm, less than the crime of murder.~~

1 (2) ~~(b) Assaults~~ **A person who assaults** another person by
2 strangulation or suffocation **is guilty of a felony. The court shall**
3 **sentence the person to imprisonment for not less than 4 years or**
4 **more than life or any term of years.**

5 (3) ~~(2)~~ As used in this section, "strangulation or
6 suffocation" means intentionally impeding normal breathing or
7 circulation of the blood by applying pressure on the throat or neck
8 or by blocking the nose or mouth of another person.

9 (4) ~~(3)~~ This section does not prohibit a person from being
10 charged with, convicted of, or punished for any other violation of
11 law arising out of the same conduct as the violation of this
12 section.

13 Sec. 85. (1) A person who, with the intent to cause cruel or
14 extreme physical or mental pain and suffering, inflicts great
15 bodily injury or severe mental pain or suffering upon another
16 person within his or her custody or physical control commits
17 torture and is guilty of a felony. ~~punishable by~~ **The court shall**
18 **sentence the person to imprisonment for not less than 25 years or**
19 **more than** life or any term of years.

20 (2) As used in this section:

21 (a) "Cruel" means brutal, inhuman, sadistic, or that which
22 torments.

23 (b) "Custody or physical control" means the forcible
24 restriction of a person's movements or forcible confinement of the
25 person so as to interfere with that person's liberty, without that
26 person's consent or without lawful authority.

27 (c) "Great bodily injury" means either of the following:

28 (i) Serious impairment of a body function as that term is
29 defined in section 58c of the Michigan vehicle code, 1949 PA 300,

1 MCL 257.58c.

2 (ii) One or more of the following conditions: internal injury,
3 poisoning, serious burns or scalding, severe cuts, or multiple
4 puncture wounds.

5 (d) "Severe mental pain or suffering" means a mental injury
6 that results in a substantial alteration of mental functioning that
7 is manifested in a visibly demonstrable manner caused by or
8 resulting from any of the following:

9 (i) The intentional infliction or threatened infliction of
10 great bodily injury.

11 (ii) The administration or application, or threatened
12 administration or application, of mind-altering substances or other
13 procedures calculated to disrupt the senses or the personality.

14 (iii) The threat of imminent death.

15 (iv) The threat that another person will imminently be
16 subjected to death, great bodily injury, or the administration or
17 application of mind-altering substances or other procedures
18 calculated to disrupt the senses or personality.

19 (3) Proof that a victim suffered pain is not an element of the
20 crime under this section.

21 (4) A conviction or sentence under this section does not
22 preclude a conviction or sentence for a violation of any other law
23 of this state arising from the same transaction.

24 Sec. 86. ~~Assault with intent to maim Any~~ **A** person who shall
25 ~~assault~~ **assaults** another with intent to maim or disfigure ~~his~~ **the**
26 **other** person by cutting out or maiming the tongue, putting out or
27 destroying an eye, cutting or tearing off an ear, cutting or
28 slitting or mutilating the nose or lips, or cutting off or
29 disabling a limb, organ, or member ~~, shall be~~ **is** guilty of a

1 felony. ~~, punishable by~~ **The court shall sentence the person to**
 2 imprisonment in the state prison ~~for~~ not more ~~less~~ than ~~10~~ **5** years
 3 or ~~by more than life or any term of years or impose a~~ fine of not
 4 more than ~~5,000 dollars.~~ **\$5,000.00.**

5 Sec. 87. ~~Assault with intent to commit felony, not otherwise~~
 6 ~~punished~~ **Any A** person who shall assault ~~assaults~~ another **person,**
 7 with intent to commit any burglary, or any other felony, the
 8 punishment of which assault is not otherwise in this act
 9 prescribed, ~~shall be~~ **is** guilty of a felony. ~~, punishable by~~ **The**
 10 **court shall sentence the person to** imprisonment in the state prison
 11 ~~for~~ not more ~~less~~ than ~~10~~ **5** years ~~, or more than life or any term~~
 12 **of years** or ~~by impose a~~ fine of not more than ~~5,000~~
 13 ~~dollars.~~ **\$5,000.00.**

14 Sec. 88. ~~Assault with intent to rob and steal being unarmed~~
 15 ~~Any A~~ person, not being armed with a dangerous weapon, who shall
 16 assault ~~assaults~~ another **person** with force and violence ~~, and with~~
 17 **the** intent to rob and steal, ~~shall be~~ **is** guilty of a felony. ~~,~~
 18 ~~punishable by~~ **The court shall sentence the person to** imprisonment
 19 in the state prison ~~for~~ not more ~~less~~ than ~~15~~ **7** years **and 6 months**
 20 **or more than life or any term of years.**

21 Sec. 89. ~~Assault with intent to rob and steal being armed~~ ~~Any~~
 22 **A** person, being armed with a dangerous weapon, or any article used
 23 or fashioned in a manner to lead a person so assaulted reasonably
 24 to believe it to be a dangerous weapon, who shall assault ~~assaults~~
 25 another **person** with **the** intent to rob and steal ~~shall be~~ **is** guilty
 26 of a felony. ~~, punishable by~~ **The court shall sentence the person to**
 27 imprisonment in the state prison ~~for~~ **not less than 7 years and 6**
 28 **months or more than life , or for** any term of years.

29 Sec. 91. ~~Attempt to murder by poisoning, etc.~~ ~~Any A~~ person who

1 ~~shall attempt~~ **attempts** to commit the crime of murder by poisoning,
2 drowning, or strangling another person, or by any means not
3 constituting the crime of assault with intent to murder, ~~shall be~~
4 **is** guilty of a felony. ~~, punishable by~~ **The court shall sentence the**
5 **person to** imprisonment ~~in the state prison~~ for **not less than 25**
6 **years or more than** life or any term of years.

7 Sec. 110a. (1) As used in this section:

8 (a) "Dwelling" means a structure or shelter that is used
9 permanently or temporarily as a place of abode, including an
10 appurtenant structure attached to that structure or shelter.

11 (b) "Dangerous weapon" means 1 or more of the following:

12 (i) A loaded or unloaded firearm, whether operable or
13 inoperable.

14 (ii) A knife, stabbing instrument, brass knuckles, blackjack,
15 club, or other object specifically designed or customarily carried
16 or possessed for use as a weapon.

17 (iii) An object that is likely to cause death or bodily injury
18 when used as a weapon and that is used as a weapon or carried or
19 possessed for use as a weapon.

20 (iv) An object or device that is used or fashioned in a manner
21 to lead a person to believe the object or device is an object or
22 device described in subparagraphs (i) to (iii).

23 (c) "Without permission" means without having obtained
24 permission to enter from the owner or lessee of the dwelling or
25 from any other person lawfully in possession or control of the
26 dwelling.

27 (2) A person who breaks and enters a dwelling with intent to
28 commit a felony, larceny, or assault in the dwelling, a person who
29 enters a dwelling without permission with intent to commit a

1 felony, larceny, or assault in the dwelling, or a person who breaks
2 and enters a dwelling or enters a dwelling without permission and,
3 at any time while he or she is entering, present in, or exiting the
4 dwelling, commits a felony, larceny, or assault is guilty of home
5 invasion in the first degree if at any time while the person is
6 entering, present in, or exiting the dwelling either of the
7 following circumstances exists:

8 (a) The person is armed with a dangerous weapon.

9 (b) Another person is lawfully present in the dwelling.

10 (3) A person who breaks and enters a dwelling with intent to
11 commit a felony, larceny, or assault in the dwelling, a person who
12 enters a dwelling without permission with intent to commit a
13 felony, larceny, or assault in the dwelling, or a person who breaks
14 and enters a dwelling or enters a dwelling without permission and,
15 at any time while he or she is entering, present in, or exiting the
16 dwelling, commits a felony, larceny, or assault is guilty of home
17 invasion in the second degree.

18 (4) A person is guilty of home invasion in the third degree if
19 the person does either of the following:

20 (a) Breaks and enters a dwelling with intent to commit a
21 misdemeanor in the dwelling, enters a dwelling without permission
22 with intent to commit a misdemeanor in the dwelling, or breaks and
23 enters a dwelling or enters a dwelling without permission and, at
24 any time while he or she is entering, present in, or exiting the
25 dwelling, commits a misdemeanor.

26 (b) Breaks and enters a dwelling or enters a dwelling without
27 permission and, at any time while the person is entering, present
28 in, or exiting the dwelling, violates any of the following ordered
29 to protect a named person or persons:

1 (i) A probation term or condition.

2 (ii) A parole term or condition.

3 (iii) A personal protection order term or condition.

4 (iv) A bond or bail condition or any condition of pretrial
5 release.

6 (5) Home invasion in the first degree is a felony. ~~punishable~~
7 ~~by~~ **The court shall sentence a person who commits home invasion in**
8 **the first degree to** imprisonment for not ~~more~~ **less** than ~~20~~ **10** years
9 or **more than life or any term of years and may impose** a fine of not
10 more than \$5,000.00, or both.

11 (6) Home invasion in the second degree is a felony. ~~punishable~~
12 ~~by~~ **The court shall sentence a person who commits home invasion in**
13 **the second degree to** imprisonment for not ~~more~~ **less** than ~~15~~ **5** years
14 or **more than life or any term of years and may impose** a fine of not
15 more than \$3,000.00, or both.

16 (7) Home invasion in the third degree is a felony. ~~punishable~~
17 ~~by~~ **The court shall sentence a person who commits home invasion in**
18 **the third degree to** imprisonment for not ~~more~~ **less** than 5 years or
19 **more than life or any term of years and may impose** a fine of not
20 more than \$2,000.00, or both.

21 (8) The court may order a term of imprisonment imposed for
22 home invasion in the first degree to be served consecutively to any
23 term of imprisonment imposed for any other criminal offense arising
24 from the same transaction.

25 (9) Imposition of a penalty under this section does not bar
26 imposition of a penalty under any other applicable law.

27 Sec. 111. ~~Any person~~ **An individual** who, without breaking,
28 enters any dwelling, house, tent, hotel, office, store, shop,
29 warehouse, barn, granary, factory or other building, boat, ship,

1 shipping container, railroad car, or structure used or kept for
2 public or private use, or any private apartment therein, with
3 intent to commit a felony or any larceny therein, is guilty of a
4 felony. ~~punishable by~~ **The court shall sentence the person to**
5 imprisonment for not **less than 2 years and 6 months or** more than ~~5~~
6 **life or any term of** years or **impose** a fine of not more than
7 \$2,500.00.

8 Sec. 122. (1) A person shall not give, offer to give, or
9 promise anything of value to an individual for any of the following
10 purposes:

11 (a) To discourage any individual from attending a present or
12 future official proceeding as a witness, testifying at a present or
13 future official proceeding, or giving information at a present or
14 future official proceeding.

15 (b) To influence any individual's testimony at a present or
16 future official proceeding.

17 (c) To encourage any individual to avoid legal process, to
18 withhold testimony, or to testify falsely in a present or future
19 official proceeding.

20 (2) Subsection (1) does not apply to the reimbursement or
21 payment of reasonable costs for any witness to provide a statement
22 to testify truthfully or provide truthful information in an
23 official proceeding as provided for under section 16 of the uniform
24 condemnation procedures act, 1980 PA 87, MCL 213.66, or section
25 2164 of the revised judicature act of 1961, 1961 PA 236, MCL
26 600.2164, or court rule.

27 (3) A person shall not do any of the following by threat or
28 intimidation:

29 (a) Discourage or attempt to discourage any individual from

1 attending a present or future official proceeding as a witness,
2 testifying at a present or future official proceeding, or giving
3 information at a present or future official proceeding.

4 (b) Influence or attempt to influence testimony at a present
5 or future official proceeding.

6 (c) Encourage or attempt to encourage any individual to avoid
7 legal process, to withhold testimony, or to testify falsely in a
8 present or future official proceeding.

9 (4) It is an affirmative defense under subsections (1) and
10 (3), for which the defendant has the burden of proof by a
11 preponderance of the evidence, that the conduct consisted solely of
12 lawful conduct and that the defendant's sole intention was to
13 encourage, induce, or cause the other person to testify or provide
14 evidence truthfully.

15 (5) Subsections (1) and (3) do not apply to any of the
16 following:

17 (a) The lawful conduct of an attorney in the performance of
18 his or her duties, such as advising a client.

19 (b) The lawful conduct or communications of a person as
20 permitted by statute or other lawful privilege.

21 (6) A person shall not willfully impede, interfere with,
22 prevent, or obstruct or attempt to willfully impede, interfere
23 with, prevent, or obstruct the ability of a witness to attend,
24 testify, or provide information in or for a present or future
25 official proceeding.

26 (7) A person who violates this section is guilty of a crime as
27 follows:

28 (a) Except as provided in subdivisions (b) and (c), the person
29 is guilty of a felony ~~punishable by~~ **and the court shall sentence**

1 **the person to** imprisonment for not ~~more~~**less** than ~~4~~**2** years **and 6**
 2 **months or more than life or any term of years and may impose** a fine
 3 of not more than \$5,000.00, or both.

4 (b) If the violation is committed in a criminal case for which
 5 the maximum term of imprisonment for the violation is more than 10
 6 years, or the violation is punishable by imprisonment for life or
 7 any term of years, the person is guilty of a felony ~~punishable by~~
 8 **and the court shall sentence the person to** imprisonment for not
 9 ~~more~~**less** than ~~10~~**5** years or **more than life or any term of years**
 10 **and may impose** a fine of not more than \$20,000.00, or both.

11 (c) If the violation involves committing or attempting to
 12 commit a crime or a threat to kill or injure any person or to cause
 13 property damage, the person is guilty of a felony ~~punishable by~~**and**
 14 **the court shall sentence the person to** imprisonment for not ~~more~~
 15 **less** than ~~15~~**10** years or **more than life or any term of years and**
 16 **may impose** a fine of not more than \$25,000.00, or both.

17 (8) A person who retaliates, attempts to retaliate, or
 18 threatens to retaliate against another person for having been a
 19 witness in an official proceeding is guilty of a felony. ~~punishable~~
 20 ~~by~~**The court shall sentence the person to** imprisonment for not **less**
 21 **than 5 years or** more than ~~10~~**life or any term of years** ~~or~~**and may**
 22 **impose** a fine of not more than \$20,000.00, or both. As used in this
 23 subsection, "retaliate" means to do any of the following:

24 (a) Commit or attempt to commit a crime against any person.

25 (b) Threaten to kill or injure any person or threaten to cause
 26 property damage.

27 (9) This section applies regardless of whether an official
 28 proceeding actually takes place or is pending or whether the
 29 individual has been subpoenaed or otherwise ordered to appear at

1 the official proceeding if the person knows or has reason to know
2 the other person could be a witness at any official proceeding.

3 (10) This section does not prohibit a person from being
4 charged with, convicted of, or punished for any other violation of
5 law arising out of the same transaction as the violation of this
6 section.

7 (11) The court may order a term of imprisonment imposed for
8 violating this section to be served consecutively to a term of
9 imprisonment imposed for the commission of any other crime
10 including any other violation of law arising out of the same
11 transaction as the violation of this section.

12 (12) As used in this section:

13 (a) "Official proceeding" means a proceeding heard before a
14 legislative, judicial, administrative, or other governmental agency
15 or official authorized to hear evidence under oath, including a
16 referee, prosecuting attorney, hearing examiner, commissioner,
17 notary, or other person taking testimony or deposition in that
18 proceeding.

19 (b) "Threaten or intimidate" does not mean a communication
20 regarding the otherwise lawful access to courts or other branches
21 of government, such as the otherwise lawful filing of any civil
22 action or police report of which the purpose is not to harass the
23 other person in violation of section 2907 of the revised judicature
24 act of 1961, 1961 PA 236, MCL 600.2907.

25 Sec. 136b. (1) As used in this section:

26 (a) "Child" means a person who is less than 18 years of age
27 and is not emancipated by operation of law as provided in section 4
28 of 1968 PA 293, MCL 722.4.

29 (b) "Cruel" means brutal, inhuman, sadistic, or that which

1 torments.

2 (c) "Omission" means a willful failure to provide food,
3 clothing, or shelter necessary for a child's welfare or willful
4 abandonment of a child.

5 (d) "Person" means a child's parent or guardian or any other
6 person who cares for, has custody of, or has authority over a child
7 regardless of the length of time that a child is cared for, in the
8 custody of, or subject to the authority of that person.

9 (e) "Physical harm" means any injury to a child's physical
10 condition.

11 (f) "Serious physical harm" means any physical injury to a
12 child that seriously impairs the child's health or physical well-
13 being, including, but not limited to, brain damage, a skull or bone
14 fracture, subdural hemorrhage or hematoma, dislocation, sprain,
15 internal injury, poisoning, burn or scald, or severe cut.

16 (g) "Serious mental harm" means an injury to a child's mental
17 condition or welfare that is not necessarily permanent but results
18 in visibly demonstrable manifestations of a substantial disorder of
19 thought or mood ~~which~~**that** significantly impairs judgment,
20 behavior, capacity to recognize reality, or ability to cope with
21 the ordinary demands of life.

22 (2) A person is guilty of child abuse in the first degree if
23 the person knowingly or intentionally causes serious physical harm
24 or serious mental harm to a child. Child abuse in the first degree
25 is a felony ~~punishable by~~**and the court shall sentence the person**
26 **to imprisonment for not less than 15 years or more than** life or any
27 term of years.

28 (3) A person is guilty of child abuse in the second degree if
29 any of the following apply:

1 (a) The person's omission causes serious physical harm or
2 serious mental harm to a child or if the person's reckless act
3 causes serious physical harm or serious mental harm to a child.

4 (b) The person knowingly or intentionally commits an act
5 likely to cause serious physical or mental harm to a child
6 regardless of whether harm results.

7 (c) The person knowingly or intentionally commits an act that
8 is cruel to a child regardless of whether harm results.

9 (d) The person or a licensee, as licensee is defined in
10 section 1 of 1973 PA 116, MCL 722.111, violates section 15(2) of
11 1973 PA 116, MCL 722.125.

12 (4) Child abuse in the second degree is a felony ~~punishable by~~
13 ~~imprisonment as follows:~~

14 ~~(a) For a first offense, not more than 10 years.~~

15 ~~(b) For an offense following a prior conviction, not more than~~
16 ~~20 years.~~ **and the court shall sentence the person to imprisonment**
17 **for not less than 10 years or more than life or any term of years.**

18 (5) A person is guilty of child abuse in the third degree if
19 any of the following apply:

20 (a) The person knowingly or intentionally causes physical harm
21 to a child.

22 (b) The person knowingly or intentionally commits an act that
23 under the circumstances poses an unreasonable risk of harm or
24 injury to a child, and the act results in physical harm to a child.

25 (6) Child abuse in the third degree is a felony ~~punishable by~~
26 ~~imprisonment as follows:~~

27 ~~(a) For a first offense, not more than 2 years.~~

28 ~~(b) For an offense following a prior conviction, not more than~~
29 ~~5 years.~~ **and the court shall sentence the person to imprisonment for**

1 **not less than 4 years or more than life or any term of years.**

2 (7) A person is guilty of child abuse in the fourth degree if
3 any of the following apply:

4 (a) The person's omission or reckless act causes physical harm
5 to a child.

6 (b) The person knowingly or intentionally commits an act that
7 under the circumstances poses an unreasonable risk of harm or
8 injury to a child, regardless of whether physical harm results.

9 (8) Child abuse in the fourth degree is a crime punishable as
10 follows:

11 (a) For a first offense, a misdemeanor punishable by
12 imprisonment for not more than 1 year.

13 (b) For an offense following a prior conviction, a felony
14 punishable by imprisonment for not more than 2 years.

15 (9) This section does not prohibit a parent or guardian, or
16 other person permitted by law or authorized by the parent or
17 guardian, from taking steps to reasonably discipline a child,
18 including the use of reasonable force.

19 (10) It is an affirmative defense to a prosecution under this
20 section that the defendant's conduct involving the child was a
21 reasonable response to an act of domestic violence in light of all
22 the facts and circumstances known to the defendant at that time.
23 The defendant has the burden of establishing the affirmative
24 defense by a preponderance of the evidence. As used in this
25 subsection, "domestic violence" means that term as defined in
26 section 1 of 1978 PA 389, MCL 400.1501.

27 (11) If the prosecuting attorney intends to seek an enhanced
28 sentence based upon the defendant having 1 or more prior
29 convictions, the prosecuting attorney shall include on the

1 complaint and information a statement listing the prior conviction
 2 or convictions. The existence of the defendant's prior conviction
 3 or convictions must be determined by the court, without a jury, at
 4 sentencing or at a separate hearing for that purpose before
 5 sentencing. The existence of a prior conviction may be established
 6 by any evidence relevant for that purpose, including, but not
 7 limited to, 1 or more of the following:

8 (a) A copy of the judgment of conviction.

9 (b) A transcript of a prior trial, plea-taking, or sentencing.

10 (c) Information contained in a presentence report.

11 (d) The defendant's statement.

12 (12) As used in this section, "prior conviction" means a
 13 violation of this section or a violation of a law of another state
 14 substantially corresponding to this section.

15 Sec. 145a. A person who accosts, entices, or solicits a child
 16 less than 16 years of age, regardless of whether the person knows
 17 the individual is a child or knows the actual age of the child, or
 18 an individual whom he or she believes is a child less than 16 years
 19 of age with the intent to induce or force that child or individual
 20 to commit an immoral act, to submit to an act of sexual intercourse
 21 or an act of gross indecency, or to any other act of depravity or
 22 delinquency, or who encourages a child less than 16 years of age,
 23 regardless of whether the person knows the individual is a child or
 24 knows the actual age of the child, or an individual whom he or she
 25 believes is a child less than 16 years of age to engage in any of
 26 those acts is guilty of a felony ~~punishable by~~ **and the court shall**
 27 **sentence the person to** imprisonment for not ~~more~~ **less** than 4-5
 28 years ~~or~~ **and may impose** a fine of not more than \$4,000.00, or both.

29 Sec. 145c. (1) As used in this section:

1 (a) "Access" means to intentionally cause to be viewed by or
2 transmitted to a person.

3 (b) "Appears to include a child" means that the depiction
4 appears to include, or conveys the impression that it includes, a
5 person who is less than 18 years of age, and the depiction meets
6 either of the following conditions:

7 (i) It was created using a depiction of any part of an actual
8 person under ~~the age of~~ 18 **years of age**.

9 (ii) It was not created using a depiction of any part of an
10 actual person under ~~the age of~~ 18 **years of age**, but all of the
11 following apply to that depiction:

12 (A) The average individual, applying contemporary community
13 standards, would find the depiction, taken as a whole, appeals to
14 the prurient interest.

15 (B) The reasonable person would find the depiction, taken as a
16 whole, lacks serious literary, artistic, political, or scientific
17 value.

18 (C) The depiction depicts or describes a listed sexual act in
19 a patently offensive way.

20 (c) "Child" means a person who is less than 18 years of age,
21 subject to the affirmative defense created in subsection (7)
22 regarding persons emancipated by operation of law.

23 (d) "Commercial film or photographic print processor" means a
24 person or his or her employee who, for compensation, develops
25 exposed photographic film into movie films, negatives, slides, or
26 prints; makes prints from negatives or slides; or duplicates movie
27 films or videotapes.

28 (e) "Computer technician" means a person who installs,
29 maintains, troubleshoots, upgrades, or repairs computer hardware,

1 software, personal computer networks, or peripheral equipment.

2 (f) "Contemporary community standards" means the customary
3 limits of candor and decency in this state at or near the time of
4 the alleged violation of this section.

5 (g) "Erotic fondling" means touching a person's clothed or
6 unclothed genitals, pubic area, buttocks, or, if the person is
7 female, breasts, or if the person is a child, the developing or
8 undeveloped breast area, for the purpose of real or simulated overt
9 sexual gratification or stimulation of 1 or more of the persons
10 involved. Erotic fondling does not include physical contact, even
11 if affectionate, that is not for the purpose of real or simulated
12 overt sexual gratification or stimulation of 1 or more of the
13 persons involved.

14 (h) "Erotic nudity" means the lascivious exhibition of the
15 genital, pubic, or rectal area of any person. As used in this
16 subdivision, "lascivious" means wanton, lewd, and lustful and
17 tending to produce voluptuous or lewd emotions.

18 (i) "Listed sexual act" means sexual intercourse, erotic
19 fondling, sadomasochistic abuse, masturbation, passive sexual
20 involvement, sexual excitement, or erotic nudity.

21 (j) "Make" means to bring into existence by copying, shaping,
22 changing, or combining material, and specifically includes, but is
23 not limited to, intentionally creating a reproduction, copy, or
24 print of child sexually abusive material, in whole or part. Make
25 does not include the creation of an identical reproduction or copy
26 of child sexually abusive material within the same digital storage
27 device or the same piece of digital storage media.

28 (k) "Masturbation" means the real or simulated touching,
29 rubbing, or otherwise stimulating of a person's own clothed or

1 unclothed genitals, pubic area, buttocks, or, if the person is
 2 female, breasts, or if the person is a child, the developing or
 3 undeveloped breast area, either by manual manipulation or self-
 4 induced or with an artificial instrument, for the purpose of real
 5 or simulated overt sexual gratification or arousal of the person.

6 (l) "Passive sexual involvement" means an act, real or
 7 simulated, that exposes another person to or draws another person's
 8 attention to an act of sexual intercourse, erotic fondling,
 9 sadomasochistic abuse, masturbation, sexual excitement, or erotic
 10 nudity because of viewing any of these acts or because of the
 11 proximity of the act to that person, for the purpose of real or
 12 simulated overt sexual gratification or stimulation of 1 or more of
 13 the persons involved.

14 (m) "Prurient interest" means a shameful or morbid interest in
 15 nudity, sex, or excretion.

16 (n) "Child sexually abusive activity" means a child engaging
 17 in a listed sexual act.

18 (o) "Child sexually abusive material" means any depiction,
 19 whether made or produced by electronic, mechanical, or other means,
 20 including a developed or undeveloped photograph, picture, film,
 21 slide, video, electronic visual image, computer diskette, computer
 22 or computer-generated image, or picture, or sound recording ~~which~~
 23 **that** is of a child or appears to include a child engaging in a
 24 listed sexual act; a book, magazine, computer, computer storage
 25 device, or other visual or print or printable medium containing
 26 such a photograph, picture, film, slide, video, electronic visual
 27 image, computer, or computer-generated image, or picture, or sound
 28 recording; or any reproduction, copy, or print of such a
 29 photograph, picture, film, slide, video, electronic visual image,

1 book, magazine, computer, or computer-generated image, or picture,
2 other visual or print or printable medium, or sound recording.

3 (p) "Sadomasochistic abuse" means either of the following:

4 (i) Flagellation or torture, real or simulated, for the purpose
5 of real or simulated sexual stimulation or gratification, by or
6 upon a person.

7 (ii) The condition, real or simulated, of being fettered,
8 bound, or otherwise physically restrained for sexual stimulation or
9 gratification of a person.

10 (q) "Sexual excitement" means the condition, real or
11 simulated, of human male or female genitals in a state of real or
12 simulated overt sexual stimulation or arousal.

13 (r) "Sexual intercourse" means intercourse, real or simulated,
14 whether genital-genital, oral-genital, anal-genital, or oral-anal,
15 whether between persons of the same or opposite sex or between a
16 human and an animal, or with an artificial genital.

17 (2) A person who persuades, induces, entices, coerces, causes,
18 or knowingly allows a child to engage in a child sexually abusive
19 activity for the purpose of producing any child sexually abusive
20 material, or a person who arranges for, produces, makes, copies,
21 reproduces, or finances, or a person who attempts or prepares or
22 conspires to arrange for, produce, make, copy, reproduce, or
23 finance any child sexually abusive activity or child sexually
24 abusive material for personal, distributional, or other purposes if
25 that person knows, has reason to know, or should reasonably be
26 expected to know that the child is a child or that the child
27 sexually abusive material includes a child or that the depiction
28 constituting the child sexually abusive material appears to include
29 a child, or that person has not taken reasonable precautions to

1 determine the age of the child is guilty of a crime as follows:

2 (a) Except as provided in subdivision (b), the person is
3 guilty of a felony ~~punishable by~~ **and the court shall sentence the**
4 **person to** imprisonment for not ~~more~~-**less** than ~~20~~-**10** years or **more**
5 **than life or any term of years and may impose** a fine of not more
6 than \$100,000.00, or both.

7 (b) If the child sexually abusive activity or child sexually
8 abusive material involves a prepubescent child, sadomasochistic
9 abuse or bestiality, or includes a video or more than 100 images of
10 child sexually abusive material, the person is guilty of a felony
11 ~~punishable by~~ **and the court shall sentence the person to**
12 imprisonment for not ~~more~~-**less** than ~~25~~-**15** years or **more than life**
13 **or any term of years and may impose** a fine of not more than
14 \$125,000.00, or both.

15 (3) Except as provided in subsection (14), a person who
16 distributes or promotes, or finances the distribution or promotion
17 of, or receives for the purpose of distributing or promoting, or
18 conspires, attempts, or prepares to distribute, receive, finance,
19 or promote any child sexually abusive material or child sexually
20 abusive activity if that person knows, has reason to know, or
21 should reasonably be expected to know that the child is a child or
22 that the child sexually abusive material includes a child or that
23 the depiction constituting the child sexually abusive material
24 appears to include a child, or that person has not taken reasonable
25 precautions to determine the age of the child is guilty of a crime
26 as follows:

27 (a) Except as provided in subdivision (b), the person is
28 guilty of a felony ~~punishable by~~ **and the court shall sentence the**
29 **person to** imprisonment for not ~~more~~-**less** than ~~7~~-**10** years or **more**

1 **than life or any term of years and may impose** a fine of not more
2 than \$50,000.00, or both.

3 (b) If the child sexually abusive activity or child sexually
4 abusive material involves a prepubescent child, sadomasochistic
5 abuse or bestiality, or includes a video or more than 100 images of
6 child sexually abusive material, the person is guilty of a felony
7 ~~punishable by~~ **and the court shall sentence the person to**
8 imprisonment for not ~~more~~-**less** than 15 years or **more than life or**
9 **any term of years and may impose** a fine of not more than
10 \$75,000.00, or both.

11 (4) A person who knowingly possesses or knowingly seeks and
12 accesses any child sexually abusive material if that person knows,
13 has reason to know, or should reasonably be expected to know the
14 child is a child or that the child sexually abusive material
15 includes a child or that the depiction constituting the child
16 sexually abusive material appears to include a child, or that
17 person has not taken reasonable precautions to determine the age of
18 the child is guilty of a crime as follows:

19 (a) Except as provided in subdivision (b) and section 145g,
20 the person is guilty of a felony ~~punishable by~~ **and the court shall**
21 **sentence the person to** imprisonment for not ~~more~~-**less** than 4 years
22 or **more than life or any term of years and may impose** a fine of not
23 more than \$10,000.00, or both.

24 (b) If the child sexually abusive activity or child sexually
25 abusive material involves a prepubescent child, sadomasochistic
26 abuse or bestiality, or includes a video or more than 100 images of
27 child sexually abusive material, the person is guilty of a felony
28 ~~punishable by~~ **and the court shall sentence the person to**
29 imprisonment for not ~~more~~-**less** than ~~10~~-**12** years **and 6 months** or

1 **more than life or any term of years and may impose** a fine of not
2 more than \$50,000.00, or both.

3 (5) Subsection (4) does not apply to any of the following:

4 (a) A person described in section 7 of 1984 PA 343, MCL
5 752.367, a commercial film or photographic print processor acting
6 under subsection (9), or a computer technician acting under
7 subsection (10).

8 (b) A police officer acting within the scope of his or her
9 duties as a police officer.

10 (c) An employee or contract agent of the department of health
11 and human services acting within the scope of his or her duties as
12 an employee or contract agent.

13 (d) A judicial officer or judicial employee acting within the
14 scope of his or her duties as a judicial officer or judicial
15 employee.

16 (e) A party or witness in a criminal or civil proceeding
17 acting within the scope of that criminal or civil proceeding.

18 (f) A physician, psychologist, limited license psychologist,
19 professional counselor, or registered nurse licensed under the
20 public health code, 1978 PA 368, MCL 333.1101 to 333.25211, acting
21 within the scope of practice for which he or she is licensed.

22 (g) A social worker registered in this state under article 15
23 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838,
24 acting within the scope of practice for which he or she is
25 registered.

26 (6) Expert testimony as to the age of the child used in a
27 child sexually abusive material or a child sexually abusive
28 activity is admissible as evidence in court and may be a legitimate
29 basis for determining age, if age is not otherwise proven.

1 (7) It is an affirmative defense to a prosecution under this
2 section that the alleged child is a person who is emancipated by
3 operation of law under section 4(2) of 1968 PA 293, MCL 722.4, as
4 proven by a preponderance of the evidence.

5 (8) If a defendant in a prosecution under this section
6 proposes to offer in his or her defense evidence to establish that
7 a depiction that appears to include a child was not, in fact,
8 created using a depiction of any part of an actual person under ~~the~~
9 ~~age of 18~~ **years of age**, the defendant shall at the time of the
10 arraignment on the information or within 15 days after arraignment
11 but not less than 10 days before the trial of the case, or at such
12 other time as the court directs, file and serve upon the
13 prosecuting attorney of record a notice in writing of his or her
14 intention to offer that defense. The notice must contain, as
15 particularly as is known to the defendant or the defendant's
16 attorney, the names of witnesses to be called on behalf of the
17 defendant to establish that defense. The defendant's notice must
18 include specific information as to the facts that establish that
19 the depiction was not, in fact, created using a depiction of any
20 part of an actual person under ~~the age of 18~~ **years of age**. Failure
21 to file a timely notice in conformance with this subsection
22 precludes a defendant from offering this defense.

23 (9) If a commercial film or photographic print processor
24 reports to a law enforcement agency having jurisdiction his or her
25 knowledge or observation, within the scope of his or her
26 professional capacity or employment, of a film, photograph, movie
27 film, videotape, negative, or slide depicting a person that the
28 processor has reason to know or reason to believe is a child
29 engaged in a listed sexual act; furnishes a copy of the film,

1 photograph, movie film, videotape, negative, or slide to a law
2 enforcement agency having jurisdiction; or keeps the film,
3 photograph, movie film, videotape, negative, or slide according to
4 the law enforcement agency's instructions, both of the following
5 apply:

6 (a) The identity of the processor must be confidential,
7 subject to disclosure only with his or her consent or by judicial
8 process.

9 (b) If the processor acted in good faith, he or she is immune
10 from civil liability that might otherwise be incurred by his or her
11 actions. This immunity extends only to acts described in this
12 subsection.

13 (10) If a computer technician reports to a law enforcement
14 agency having jurisdiction his or her knowledge or observation,
15 within the scope of his or her professional capacity or employment,
16 of an electronic visual image, computer-generated image or picture
17 or sound recording depicting a person that the computer technician
18 has reason to know or reason to believe is a child engaged in a
19 listed sexual act; furnishes a copy of that image, picture, or
20 sound recording to the law enforcement agency; or keeps the image,
21 picture, or sound recording according to the law enforcement
22 agency's instructions, both of the following apply:

23 (a) The identity of the computer technician must be
24 confidential, subject to disclosure only with his or her consent or
25 by judicial process.

26 (b) If the computer technician acted in good faith, he or she
27 is immune from civil liability that might otherwise be incurred by
28 his or her actions. This immunity extends only to acts described in
29 this subsection.

1 (11) In any criminal proceeding regarding an alleged violation
2 or attempted violation of this section, the court shall deny any
3 request by the defendant to copy, photograph, duplicate, or
4 otherwise reproduce any photographic or other pictorial evidence of
5 a child engaging in a listed sexual act if the prosecuting attorney
6 makes that evidence reasonably available to the defendant. Evidence
7 is considered to be reasonably available to the defendant under
8 this subsection if the prosecuting attorney provides an opportunity
9 to the defendant and his or her attorney, and any person the
10 defendant may seek to qualify as an expert witness at trial, to
11 inspect, view, and examine that evidence at a facility approved by
12 the prosecuting attorney.

13 (12) This section applies uniformly throughout the state and
14 all political subdivisions and municipalities in the state.

15 (13) A local municipality or political subdivision shall not
16 enact any ordinance or enforce any existing ordinance, rule, or
17 regulation governing child sexually abusive activity or child
18 sexually abusive material.

19 (14) Subsection (3) does not apply to the persons described in
20 section 7 of 1984 PA 343, MCL 752.367.

21 Sec. 159j. (1) A person who violates section 159i is guilty of
22 a felony ~~punishable by~~ **and the court shall sentence the person to**
23 imprisonment for not ~~more~~ **less** than ~~20~~ **10** years or **more than life**
24 **or any term of years and may impose** a fine of not more than
25 \$100,000.00, or both.

26 (2) In addition to any penalty imposed under subsection (1),
27 the court may do 1 or more of the following with respect to a
28 person convicted under section 159i:

29 (a) Order the person to pay court costs.

1 (b) Order the person to pay to the state or local law
2 enforcement agency that handled the investigation and prosecution
3 the costs of the investigation and prosecution that are reasonably
4 incurred.

5 (3) The court shall hold a hearing to determine the amount of
6 court costs and other costs to be imposed under subsection (2).

7 (4) The court shall order a person convicted of a violation of
8 section 159i to criminally forfeit to the state any real, personal,
9 or intangible property in which he or she has an interest and that
10 was used in the course of, intended for use in the course of,
11 derived from, or realized through conduct in violation of section
12 159i, including any property constituting an interest in, means of
13 control over, or influence over the enterprise involved in the
14 violation and any property constituting proceeds derived from the
15 violation. The court's authority under this subsection also
16 includes, but is not limited to, the authority to do any of the
17 following:

18 (a) Order the convicted person to divest himself or herself of
19 any interest, direct or indirect, in the enterprise.

20 (b) Impose reasonable restrictions on the future activities or
21 investments of the convicted person, including prohibiting the
22 convicted person from engaging in the same type of endeavor as the
23 enterprise engaged in.

24 (c) Order the dissolution or reorganization of an enterprise
25 upon finding that, for the prevention of future criminal activity,
26 the public interest requires the dissolution or reorganization.
27 This subdivision does not apply to the extent that an order of
28 dissolution or reorganization is preempted by chapter 7 of the
29 national labor relations act, 29 USC 141 to 187.

1 (d) Order the suspension or revocation of a license, permit,
2 or prior approval granted to an enterprise by any agency of the
3 state, county, or other political subdivision upon finding that,
4 for the prevention of future criminal activity, the public interest
5 requires the suspension or revocation.

6 (e) Order the surrender of the charter of a corporation
7 organized under the laws of this state or the revocation of a
8 certificate authorizing a foreign corporation to conduct business
9 within this state upon finding that the board of directors or a
10 managerial agent acting on behalf of the corporation, in conducting
11 the affairs of the corporation, authorized or engaged in
12 racketeering and, for the prevention of future criminal activity,
13 that the public interest requires that the charter or certificate
14 of the corporation be surrendered or revoked.

15 (5) A sentence ordering criminal forfeiture under this section
16 shall not be entered unless the indictment or information alleges
17 the extent of the property subject to forfeiture, or unless the
18 sentence requires the forfeiture of property that was not
19 reasonably foreseen to be subject to forfeiture at the time of the
20 indictment or information, if the prosecuting agency gave prompt
21 notice to the defendant of the property not reasonably foreseen to
22 be subject to forfeiture when it was discovered to be forfeitable.

23 (6) Reasonable attorney fees for representation in an action
24 under this chapter are not subject to criminal forfeiture under
25 this chapter.

26 (7) At sentencing and following a hearing, the court shall
27 determine the extent of the property subject to forfeiture, if any,
28 and shall enter an order of forfeiture. The court may base its
29 determination on evidence in the trial record.

1 (8) If any property included in the order of forfeiture under
2 this section cannot be located or has been sold to a bona fide
3 purchaser for value, placed beyond the jurisdiction of the court,
4 substantially diminished in value by the conduct of the defendant,
5 or commingled with other property that cannot be divided without
6 difficulty or undue injury to innocent persons, the court shall
7 order forfeiture of any other reachable property of the defendant
8 up to the value of the property that is unreachable.

9 (9) All property ordered forfeited under this section shall be
10 retained by the law enforcement agency that seized it for disposal
11 pursuant to section 159r.

12 (10) The seizing agency may deposit money seized under this
13 section into an interest-bearing account in a financial
14 institution. As used in this subsection, "financial institution"
15 means a state or nationally chartered bank or a state or federally
16 chartered savings and loan association, savings bank, or credit
17 union whose deposits are insured by an agency of the United States
18 government and that maintains a principal office or branch office
19 located in this state under the laws of this state or the United
20 States.

21 (11) An attorney for a person who is charged with a violation
22 of section 159i involving or related to money seized by a law
23 enforcement agency that is subject to criminal forfeiture under
24 this section shall be afforded a period of 60 days within which to
25 examine that money. This 60-day period shall begin to run after
26 notice of forfeiture is given but before the money is deposited
27 into a financial institution under subsection (10). If the
28 prosecuting agency fails to sustain its burden of proof in criminal
29 proceedings under section 159i, the court shall order the return of

1 the money, including any interest earned on money deposited into a
2 financial institution under subsection (10).

3 (12) An order of criminal forfeiture entered under this
4 section shall authorize an appropriate law enforcement agency to
5 seize the property declared criminally forfeited under this section
6 upon those terms and conditions relating to the time and manner of
7 seizure the court determines proper.

8 (13) Criminal penalties under this section are not mutually
9 exclusive and do not preclude the application of any other criminal
10 or civil remedy under this section or any other provision of law.

11 Sec. 174. (1) A person who as the agent, servant, or employee
12 of another person, governmental entity within this state, or other
13 legal entity or who as the trustee, bailee, or custodian of the
14 property of another person, governmental entity within this state,
15 or other legal entity fraudulently disposes of or converts to his
16 or her own use, or takes or secretes with the intent to convert to
17 his or her own use without the consent of his or her principal, any
18 money or other personal property of his or her principal that has
19 come to that person's possession or that is under his or her charge
20 or control by virtue of his or her being an agent, servant,
21 employee, trustee, bailee, or custodian, is guilty of embezzlement.

22 (2) If the money or other personal property embezzled has a
23 value of less than \$200.00, the person is guilty of a misdemeanor
24 punishable by imprisonment for not more than 93 days or a fine of
25 not more than \$500.00 or 3 times the value of the money or property
26 embezzled, whichever is greater, or both imprisonment and a fine.

27 (3) If any of the following apply, the person is guilty of a
28 misdemeanor punishable by imprisonment for not more than 1 year or
29 a fine of not more than \$2,000.00 or 3 times the value of the money

1 or other property embezzled, whichever is greater, or both
 2 imprisonment and a fine:

3 (a) The money or other personal property embezzled has a value
 4 of \$200.00 or more but less than \$1,000.00.

5 (b) The person violates subsection (2) and has 1 or more prior
 6 convictions for committing or attempting to commit an offense under
 7 this section or a local ordinance substantially corresponding to
 8 this section.

9 (c) The person violates subsection (2) and the victim is a
 10 nonprofit corporation or charitable organization under federal law
 11 or the laws of this state.

12 (4) If any of the following apply, the person is guilty of a
 13 felony ~~punishable by~~ **and the court shall sentence the person to**
 14 imprisonment for not ~~more~~ **less** than ~~5 years~~ **1 year** or **more than**
 15 **life or any term of years and may impose** a fine of not more than
 16 \$10,000.00 or 3 times the value of the money or other property
 17 embezzled, whichever is greater, or both imprisonment and a fine:

18 (a) The money or other personal property embezzled has a value
 19 of \$1,000.00 or more but less than \$20,000.00.

20 (b) The person violates subsection (3)(a) or (c) and has 1 or
 21 more prior convictions for committing or attempting to commit an
 22 offense under this section. For purposes of this subdivision,
 23 however, a prior conviction does not include a conviction for a
 24 violation or attempted violation of subsection (2) or (3)(b).

25 (c) The person violates subsection (3)(a) and the victim is a
 26 nonprofit corporation or charitable organization under federal law
 27 or the laws of this state.

28 (5) If any of the following apply, the person is guilty of a
 29 felony punishable by imprisonment for not more than 10 years or a

1 fine of not more than \$15,000.00 or 3 times the value of the money
2 or other property embezzled, whichever is greater, or both
3 imprisonment and a fine:

4 (a) The money or other personal property embezzled has a value
5 of \$20,000.00 or more but less than \$50,000.00.

6 (b) The person violates subsection (4) (a) or (c) and has 2 or
7 more prior convictions for committing or attempting to commit an
8 offense under this section. For purposes of this subdivision,
9 however, a prior conviction does not include a conviction for a
10 violation or attempted violation of subsection (2) or (3) (b).

11 (c) The person violates subsection (4) (a) and the victim is a
12 nonprofit corporation or charitable organization under federal law
13 or the laws of this state.

14 (6) If the money or other personal property embezzled has a
15 value of \$50,000.00 or more but less than \$100,000.00, the person
16 is guilty of a felony. ~~punishable by~~ **The court shall sentence the**
17 **person to** imprisonment for not **less than 7 years and 6 months or**
18 **more than 15 life or any term of years** ~~or~~ **and may impose** a fine of
19 not more than \$25,000.00 or 3 times the value of the money or
20 property embezzled, whichever is greater, or both imprisonment and
21 a fine.

22 (7) If the money or other personal property embezzled has a
23 value of \$100,000.00 or more, the person is guilty of a felony.
24 ~~punishable by~~ **The court shall sentence the person to** imprisonment
25 for not **less than 10 years or** more than ~~20~~ **life or any term of**
26 **years** ~~or~~ **and may impose** a fine of not more than \$50,000.00 or 3
27 times the value of the money or property embezzled, whichever is
28 greater, or both imprisonment and a fine.

29 (8) Except as otherwise provided in this subsection, the

1 values of money or other personal property embezzled in separate
2 incidents pursuant to a scheme or course of conduct within any 12-
3 month period may be aggregated to determine the total value of
4 money or personal property embezzled. If the scheme or course of
5 conduct is directed against only 1 person, governmental entity
6 within this state, or other legal entity, no time limit applies to
7 aggregation under this subsection.

8 (9) If the prosecuting attorney intends to seek an enhanced
9 sentence based upon the defendant having 1 or more prior
10 convictions, the prosecuting attorney shall include on the
11 complaint and information a statement listing the prior conviction
12 or convictions. The existence of the defendant's prior conviction
13 or convictions must be determined by the court, without a jury, at
14 sentencing or at a separate hearing for that purpose before
15 sentencing. The existence of a prior conviction may be established
16 by any evidence relevant for that purpose, including, but not
17 limited to, 1 or more of the following:

- 18 (a) A copy of the judgment of conviction.
19 (b) A transcript of a prior trial, plea-taking, or sentencing.
20 (c) Information contained in a presentence report.
21 (d) The defendant's statement.

22 (10) In a prosecution under this section, the failure,
23 neglect, or refusal of the agent, servant, employee, trustee,
24 bailee, or custodian to pay, deliver, or refund to his or her
25 principal the money or property entrusted to his or her care upon
26 demand is prima facie proof of intent to embezzle.

27 (11) If the sentence for a conviction under this section is
28 enhanced by 1 or more prior convictions, those prior convictions
29 must not be used to further enhance the sentence for the conviction

1 under section 10, 11, or 12 of chapter IX of the code of criminal
2 procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

3 (12) The court may order a term of imprisonment imposed for a
4 felony violation of this section to be served consecutively to any
5 term of imprisonment imposed for any other criminal offense if the
6 victim of the violation of this section was any of the following:

7 (a) A nonprofit corporation or charitable organization under
8 federal law or the laws of this state.

9 (b) A person 60 years of age or older.

10 (c) A vulnerable adult as defined in section 174a.

11 (13) As used in this section:

12 (a) "Cryptocurrency" means digital currency in which
13 encryption techniques are used to regulate the generation of units
14 of currency and verify the transfer of funds, and that operates
15 independently of a central bank.

16 (b) "Money or other personal property" includes
17 cryptocurrency.

18 Sec. 174a. (1) A person shall not through fraud, deceit,
19 misrepresentation, coercion, or unjust enrichment obtain or use or
20 attempt to obtain or use a vulnerable adult's money or property to
21 directly or indirectly benefit that person knowing or having reason
22 to know the vulnerable adult is a vulnerable adult.

23 (2) If the money or property used or obtained, or attempted to
24 be used or obtained, has a value of less than \$200.00, the person
25 is guilty of a misdemeanor punishable by imprisonment for not more
26 than 93 days or a fine of not more than \$500.00 or 3 times the
27 value of the money or property used or obtained or attempted to be
28 used or obtained, whichever is greater, or both imprisonment and a
29 fine.

1 (3) If any of the following apply, the person is guilty of a
2 misdemeanor punishable by imprisonment for not more than 1 year or
3 a fine of not more than \$2,000.00 or 3 times the value of the money
4 or property used or obtained or attempted to be used or obtained,
5 whichever is greater, or both imprisonment and a fine:

6 (a) The money or property used or obtained, or attempted to be
7 used or obtained, has a value of \$200.00 or more but less than
8 \$1,000.00.

9 (b) The person violates subsection (2) and has 1 or more prior
10 convictions for committing or attempting to commit an offense under
11 this section.

12 (4) If any of the following apply, the person is guilty of a
13 felony punishable by imprisonment for not more than 5 years or a
14 fine of not more than \$10,000.00 or 3 times the value of the money
15 or property used or obtained or attempted to be used or obtained,
16 whichever is greater, or both imprisonment and a fine:

17 (a) The money or property used or obtained, or attempted to be
18 used or obtained, has a value of \$1,000.00 or more but less than
19 \$20,000.00.

20 (b) The person violates subsection (3) (a) and has 1 or more
21 prior convictions for committing or attempting to commit an offense
22 under this section. For purposes of this subdivision, however, a
23 prior conviction does not include a conviction for a violation or
24 attempted violation of subsection (2) or (3) (b).

25 (5) If any of the following apply, the person is guilty of a
26 felony punishable by imprisonment for not more than 10 years or a
27 fine of not more than \$15,000.00 or 3 times the value of the money
28 or property used or obtained or attempted to be used or obtained,
29 whichever is greater, or both imprisonment and a fine:

1 (a) The money or property used or obtained, or attempted to be
 2 used or obtained, has a value of \$20,000.00 or more but less than
 3 \$50,000.00.

4 (b) The person violates subsection (4) (a) and has 2 or more
 5 prior convictions for committing or attempting to commit an offense
 6 under this section. For purposes of this subdivision, however, a
 7 prior conviction does not include a conviction for a violation or
 8 attempted violation of subsection (2) or (3) (b).

9 (6) If any of the following apply, the person is guilty of a
 10 felony ~~punishable by~~ **and the court shall sentence the person to**
 11 imprisonment for not ~~more~~ **less** than ~~15~~ **5** years or **more than life or**
 12 **any term of years and may impose** a fine of not more than \$15,000.00
 13 or 3 times the value of the money or property used or obtained or
 14 attempted to be used or obtained, whichever is greater, or both
 15 imprisonment and a fine:

16 (a) The money or property used or obtained, or attempted to be
 17 used or obtained, has a value of \$50,000.00 or more but less than
 18 \$100,000.00.

19 (b) The person violates subsection (5) (a) and has 2 or more
 20 prior convictions for committing or attempting to commit an offense
 21 under this section. For purposes of this subdivision, however, a
 22 prior conviction does not include a conviction for a violation or
 23 attempted violation of subsection (2) or (3) (b).

24 (7) If any of the following apply, the person is guilty of a
 25 felony punishable by imprisonment for not more than 20 years or a
 26 fine of not more than \$50,000.00 or 3 times the value of the money
 27 or property used or obtained or attempted to be used or obtained,
 28 whichever is greater, or both imprisonment and a fine:

29 (a) The money or property used or obtained, or attempted to be

1 used or obtained, has a value of \$100,000.00 or more.

2 (b) The person violates subsection (6) (a) and has 2 or more
3 prior convictions for committing or attempting to commit an offense
4 under this section. For purposes of this subdivision, however, a
5 prior conviction does not include a conviction for a violation or
6 attempted violation of subsection (2) or (3) (b).

7 (8) Except as otherwise provided in this subsection, the
8 values of money or property used or obtained or attempted to be
9 used or obtained in separate incidents pursuant to a scheme or
10 course of conduct within any 12-month period may be aggregated to
11 determine the total value of money or personal property used or
12 obtained or attempted to be used or obtained. If the scheme or
13 course of conduct is directed against only 1 person, no time limit
14 applies to aggregation under this subsection.

15 (9) If the prosecuting attorney intends to seek an enhanced
16 sentence based upon the defendant having 1 or more prior
17 convictions, the prosecuting attorney shall include on the
18 complaint and information a statement listing the prior conviction
19 or convictions. The existence of the defendant's prior conviction
20 or convictions shall be determined by the court, without a jury, at
21 sentencing or at a separate hearing for that purpose before
22 sentencing. The existence of a prior conviction may be established
23 by any evidence relevant for that purpose, including, but not
24 limited to, 1 or more of the following:

25 (a) A copy of the judgment of conviction.

26 (b) A transcript of a prior trial, plea-taking, or sentencing.

27 (c) Information contained in a presentence report.

28 (d) The defendant's statement.

29 (10) If the sentence for a conviction under this section is

1 enhanced by 1 or more prior convictions, those prior convictions
 2 shall not be used to further enhance the sentence for the
 3 conviction under section 10, 11, or 12 of chapter IX of the code of
 4 criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

5 (11) A financial institution or a broker or a director,
 6 officer, employee, or agent of a financial institution or broker is
 7 not in violation of this section while performing duties in the
 8 normal course of business of a financial institution or broker or a
 9 director, officer, employee, or agent of a financial institution or
 10 broker.

11 (12) ~~(13)~~—The court may order a sentence imposed for a
 12 violation of subsection (4), (5), (6), or (7) to be served
 13 consecutively to any other sentence imposed for a violation of this
 14 section.

15 (13) ~~(14)~~—This section does not prohibit a person from being
 16 charged with, convicted of, or punished for any other violation of
 17 law the person commits while violating this section.

18 (14) ~~(15)~~—As used in this section:

19 (a) "Broker" means that term as defined in section 8102 of the
 20 uniform commercial code, 1962 PA 174, MCL 440.8102.

21 (b) "Financial institution" means a bank, credit union, saving
 22 bank, or a savings and loan chartered under state or federal law or
 23 an affiliate of a bank, credit union, saving bank, or savings and
 24 loan chartered under state or federal law.

25 (c) "Vulnerable adult" means that term as defined in section
 26 145m, whether or not the individual has been determined by the
 27 court to be incapacitated.

28 (15) ~~(16)~~—If the office of services to the aging becomes aware
 29 of a violation of this section, the office of services to the aging

1 shall promptly report the violation to the department of human
2 services.

3 Sec. 193. (1) A person imprisoned in a prison of this state
4 who breaks prison and escapes, breaks prison though an escape is
5 not actually made, escapes, leaves the prison without being
6 discharged by due process of law, attempts to break prison, or
7 attempts to escape from prison, is guilty of a felony. ~~punishable~~
8 ~~by~~**The court shall sentence the person to** further imprisonment for
9 not **less than 1/4 of the original sentence or** more than ~~5-life or~~
10 **any term of years to be served as provided in this subsection.** The
11 term of the further imprisonment shall be served after the
12 termination, pursuant to law, of the sentence or sentences then
13 being served. A prisoner who breaks prison, escapes, attempts to
14 break prison, or attempts to escape, shall be charged with that
15 offense and tried in the courts of the county in which the prison
16 or penal facility to which the prisoner was committed or
17 transferred is located at the time of the breaking, escape, or
18 attempt to break or escape.

19 (2) As used in this section, "prison" means a facility that
20 houses prisoners committed to the jurisdiction of the department of
21 corrections and includes the grounds, farm, shop, road camp, or
22 place of employment operated by the facility or under control of
23 the officers of the facility, the department of corrections, a
24 police officer of this state, or any other person authorized by the
25 department of corrections to have a prisoner under care, custody,
26 or supervision, either in a facility or outside a facility, whether
27 for the purpose of work, medical care, or any other reason.

28 (3) A person who escapes from the lawful custody of a guard,
29 prison official, or an employee while outside the confines of a

1 prison is guilty of a violation of this section. A person, admitted
 2 to a facility of the department of mental health from a prison
 3 pursuant to sections 1001 to 1006 of the mental health code, 1974
 4 PA 258, MCL 330.2001 to 330.2006, who escapes from the mental
 5 health facility is guilty of a violation of this section. A person
 6 released from prison under a work pass program who violates the
 7 terms of the release or fails to return to the place of
 8 imprisonment within the time provided is guilty of a violation of
 9 this section. A person violating the conditions of a parole is not
 10 an escapee under this act.

11 Sec. 195. (1) A person lawfully imprisoned in a jail for a
 12 term imposed for a misdemeanor who breaks jail and escapes, breaks
 13 jail though an escape is not actually made, escapes, leaves the
 14 jail without being discharged from the jail by due process of law,
 15 or attempts to escape from the jail, is guilty of a felony,
 16 punishable by imprisonment for not more than 2 years, or by a fine
 17 of not more than \$1,000.00, or both.

18 (2) A person lawfully imprisoned in a jail for a term imposed
 19 for a felony who breaks jail and escapes, breaks jail though an
 20 escape is not actually made, escapes, leaves the jail without being
 21 discharged from the jail by due process of law, or attempts to
 22 escape from the jail, is guilty of a felony. ~~A person who violates~~
 23 ~~this subsection shall be imprisoned for the unexpired portion of~~
 24 ~~the term of imprisonment the person was serving at the time of the~~
 25 ~~violation, and any~~ **The court shall sentence the person to further**
 26 **imprisonment for not less than 1/4 of the original sentence or more**
 27 **than life or any term of years to be served as provided in this**
 28 **subsection. A** term of imprisonment imposed for the violation of
 29 this subsection ~~shall begin~~ **begins** to run at the expiration of that

1 prior term of imprisonment.

2 (3) This section does not apply to a person who left the jail
 3 pursuant to a day parole granted for any purpose under section 1 of
 4 Act No. ~~60 of the Public Acts of 1962, being section 801.251 of the~~
 5 ~~Michigan Compiled Laws, 1962 PA 60, MCL 801.251,~~ and who is absent
 6 from the jail after the time he or she was required to return to
 7 the jail unless the person has the intent to escape from
 8 imprisonment.

9 (4) As used in this section, "jail" means a facility that is
 10 operated by a local unit of government for the detention of persons
 11 charged with, or convicted of, criminal offenses or ordinance
 12 violations, or persons found guilty of civil or criminal contempt.

13 Sec. 197c. (1) A person lawfully imprisoned in a jail, other
 14 place of confinement established by law for any term, or lawfully
 15 imprisoned for any purpose at any other place, including, but not
 16 limited to, hospitals and other health care facilities or awaiting
 17 examination, trial, arraignment, sentence, or after sentence
 18 awaiting or during transfer to or from a prison, for a crime or
 19 offense, or charged with a crime or offense who, without being
 20 discharged from the place of confinement, or other lawful
 21 imprisonment by due process of law, through the use of violence,
 22 threats of violence or dangerous weapons, assaults an employee of
 23 the place of confinement or other custodian knowing the person to
 24 be an employee or custodian or breaks the place of confinement and
 25 escapes, or breaks the place of confinement although an escape is
 26 not actually made, is guilty of a felony ~~punishable by~~ **and the**
 27 **court shall sentence the person to further** imprisonment for not
 28 ~~more than 5 years~~ **less than 1/2 of the original sentence** or **more**
 29 **than life or any term of years and may impose** a fine of not more

1 than \$2,500.00, or both.

2 (2) As used in this section:

3 (a) "Place of confinement" includes a correctional facility
4 operated by the department of corrections, a local unit of
5 government, or a private vendor under section 20i of 1953 PA 232,
6 MCL 791.220i.

7 (b) "Employee" includes persons who are employed by the place
8 of confinement as independent contractors.

9 Sec. 207. (1) A person shall not place an explosive substance
10 in or near any real or personal property with the intent to
11 frighten, terrorize, intimidate, threaten, harass, injure, or kill
12 any person, or with the intent to damage or destroy any real or
13 personal property without the permission of the property owner or,
14 if the property is public property, without the permission of the
15 governmental agency having authority over that property.

16 (2) A person who violates this section is guilty of a crime as
17 follows:

18 (a) Except as otherwise provided in subdivisions (b) to (e),
19 the person is guilty of a felony ~~punishable by~~ **and the court shall**
20 **sentence the person to** imprisonment for not ~~more~~ **less** than ~~15~~ **5**
21 years or **more than life or any term of years and may impose** a fine
22 of not more than \$10,000.00, or both.

23 (b) If the violation damages the property of another person,
24 the person is guilty of a felony punishable by imprisonment for not
25 more than 20 years or a fine of not more than \$15,000.00, or both.

26 (c) If the violation causes physical injury to another
27 individual, other than serious impairment of a body function, the
28 person is guilty of a felony punishable by imprisonment for not
29 more than 25 years or a fine of not more than \$20,000.00, or both.

1 (d) If the violation causes serious impairment of a body
 2 function to another individual, the person is guilty of a felony
 3 punishable by imprisonment for life or for any term of years or a
 4 fine of not more than \$25,000.00, or both.

5 (e) Except as provided in sections 25 and 25a of chapter IX of
 6 the code of criminal procedure, 1927 PA 175, MCL 769.25 and
 7 769.25a, if the violation causes the death of another individual,
 8 the person is guilty of a felony and shall be imprisoned for life
 9 without eligibility for parole and may be fined not more than
 10 \$40,000.00, or both.

11 Sec. 213. ~~Malicious threats to extort money~~ Any **A** person who,
 12 ~~shall,~~ either orally or by a written or printed communication,
 13 maliciously ~~threaten~~ **threatens** to accuse another of any crime or
 14 offense, or ~~shall~~ **who** orally or by any written or printed
 15 communication maliciously ~~threaten~~ **threatens** any injury to the
 16 person or property or mother, father, husband, wife, or child of
 17 another with **the** intent ~~thereby~~ to extort money or any pecuniary
 18 advantage whatever, or with intent to compel the person so
 19 threatened to do or refrain from doing any act against ~~his~~ **the**
 20 **person's** will, ~~shall be~~ **is** guilty of a felony. ~~, punishable by~~ **The**
 21 **court shall sentence the person to** imprisonment ~~in the state prison~~
 22 **for not less than 5 years or** more than ~~20~~ **life or any term of** years
 23 or ~~by impose~~ a fine of not more than ~~10,000~~ **dollars.** ~~\$10,000.00.~~

24 Sec. 218. (1) A person who, with the intent to defraud or
 25 cheat makes or uses a false pretense to do 1 or more of the
 26 following is guilty of a crime punishable as provided in this
 27 section:

28 (a) Cause a person to grant, convey, assign, demise, lease, or
 29 mortgage land or an interest in land.

1 (b) Obtain a person's signature on a forged written
2 instrument.

3 (c) Obtain from a person any money or personal property or the
4 use of any instrument, facility, article, or other valuable thing
5 or service.

6 (d) By means of a false weight or measure obtain a larger
7 amount or quantity of property than was bargained for.

8 (e) By means of a false weight or measure sell or dispose of a
9 smaller amount or quantity of property than was bargained for.

10 (2) If the land, interest in land, money, personal property,
11 use of the instrument, facility, article, or valuable thing,
12 service, larger amount obtained, or smaller amount sold or disposed
13 of has a value of less than \$200.00, the person is guilty of a
14 misdemeanor punishable by imprisonment for not more than 93 days or
15 a fine of not more than \$500.00 or 3 times the value, whichever is
16 greater, or both imprisonment and a fine.

17 (3) If any of the following apply, the person is guilty of a
18 misdemeanor punishable by imprisonment for not more than 1 year or
19 a fine of not more than \$2,000.00 or 3 times the value, whichever
20 is greater, or both imprisonment and a fine:

21 (a) The land, interest in land, money, personal property, use
22 of the instrument, facility, article, or valuable thing, service,
23 larger amount obtained, or smaller amount sold or disposed of has a
24 value of \$200.00 or more but less than \$1,000.00.

25 (b) The person violates subsection (2) and has 1 or more prior
26 convictions for committing or attempting to commit an offense under
27 this section or a local ordinance substantially corresponding to
28 this section.

29 (4) If any of the following apply, the person is guilty of a

1 felony ~~punishable by~~ **and the court shall sentence the person to**
2 imprisonment for not ~~more~~ **less** than ~~5-2~~ years **and 6 months** or **more**
3 **than life or any term of years and may impose** a fine of not more
4 than \$10,000.00 or 3 times the value, whichever is greater, or both
5 imprisonment and a fine:

6 (a) The land, interest in land, money, personal property, use
7 of the instrument, facility, article, or valuable thing, service,
8 larger amount obtained, or smaller amount sold or disposed of has a
9 value of \$1,000.00 or more but less than \$20,000.00.

10 (b) The person violates subsection (3) (a) and has 1 or more
11 prior convictions for committing or attempting to commit an offense
12 under this section. For purposes of this subdivision, however, a
13 prior conviction does not include a conviction for a violation or
14 attempted violation of subsection (2) or (3) (b).

15 (5) If any of the following apply, the person is guilty of a
16 felony ~~punishable by~~ **and the court shall sentence the person to**
17 imprisonment for not ~~more~~ **less** than ~~15-5~~ years or **more than life or**
18 **any term of years and may impose** a fine of not more than \$15,000.00
19 or 3 times the value, whichever is greater, or both imprisonment
20 and a fine:

21 (a) The land, interest in land, money, personal property, use
22 of the instrument, facility, article, or valuable thing, service,
23 larger amount obtained, or smaller amount sold or disposed of has a
24 value of \$20,000.00 or more but less than \$50,000.00.

25 (b) The person violates subsection (4) (a) and has 2 or more
26 prior convictions for committing or attempting to commit an offense
27 under this section. For purposes of this subdivision, however, a
28 prior conviction does not include a conviction for a violation or
29 attempted violation of subsection (2) or (3) (b).

1 (6) If any of the following apply, the person is guilty of a
2 felony ~~punishable by~~ **and the court shall sentence the person to**
3 imprisonment for not ~~more~~ **less** than ~~15~~ **10** years or **more than life**
4 **or any term of years and may impose** a fine of not more than
5 \$25,000.00 or 3 times the value, whichever is greater, or both
6 imprisonment and a fine:

7 (a) The land, interest in land, money, personal property, use
8 of the instrument, facility, article, or valuable thing, service,
9 larger amount obtained, or smaller amount sold or disposed of has a
10 value of \$50,000.00 or more but less than \$100,000.00.

11 (b) The person violates subsection (5) (a) and has 2 or more
12 prior convictions for committing or attempting to commit an offense
13 under this section. For purposes of this subdivision, however, a
14 prior conviction does not include a conviction for a violation or
15 attempted violation of subsection (2) or (3) (b).

16 (7) If any of the following apply, the person is guilty of a
17 felony ~~punishable by~~ **and the court shall sentence the person to**
18 imprisonment for not ~~more~~ **less** than ~~20~~ **15** years or **more than life**
19 **or any term of years and may impose** a fine of not more than
20 \$35,000.00 or 3 times the value, whichever is greater, or both
21 imprisonment and a fine:

22 (a) The land, interest in land, money, personal property, use
23 of the instrument, facility, article, or valuable thing, service,
24 larger amount obtained, or smaller amount sold or disposed of has a
25 value of \$100,000.00 or more.

26 (b) The person violates subsection (6) (a) and has 2 or more
27 prior convictions for committing or attempting to commit an offense
28 under this section. For purposes of this subdivision, however, a
29 prior conviction does not include a conviction for a violation or

1 attempted violation of subsection (2) or (3) (b).

2 (8) The values of land, interest in land, money, personal
3 property, use of the instrument, facility, article, or valuable
4 thing, service, larger amount obtained, or smaller amount sold or
5 disposed of in separate incidents pursuant to a scheme or course of
6 conduct within any 12-month period may be aggregated to determine
7 the total value involved in the violation of this section.

8 (9) If the prosecuting attorney intends to seek an enhanced
9 sentence based upon the defendant having 1 or more prior
10 convictions, the prosecuting attorney shall include on the
11 complaint and information a statement listing the prior conviction
12 or convictions. The existence of the defendant's prior conviction
13 or convictions shall be determined by the court, without a jury, at
14 sentencing or at a separate hearing for that purpose before
15 sentencing. The existence of a prior conviction may be established
16 by any evidence relevant for that purpose, including, but not
17 limited to, 1 or more of the following:

- 18 (a) A copy of the judgment of conviction.
19 (b) A transcript of a prior trial, plea-taking, or sentencing.
20 (c) Information contained in a presentence report.
21 (d) The defendant's statement.

22 (10) If the sentence for a conviction under this section is
23 enhanced by 1 or more prior convictions, those prior convictions
24 shall not be used to further enhance the sentence for the
25 conviction under section 10, 11, or 12 of chapter IX of the code of
26 criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

27 (11) As used in this section, "false pretense" includes, but
28 is not limited to, a false or fraudulent representation, writing,
29 communication, statement, or message, communicated by any means to

1 another person, that the maker of the representation, writing,
2 communication, statement, or message knows is false or fraudulent.
3 The false pretense may be a representation regarding a past or
4 existing fact or circumstance or a representation regarding the
5 intention to perform a future event or to have a future event
6 performed.

7 Sec. 224f. (1) Except as provided in subsection (2), a person
8 convicted of a felony shall not possess, use, transport, sell,
9 purchase, carry, ship, receive, or distribute a firearm in this
10 state until the expiration of 3 years after all of the following
11 circumstances exist:

12 (a) The person has paid all fines imposed for the violation.

13 (b) The person has served all terms of imprisonment imposed
14 for the violation.

15 (c) The person has successfully completed all conditions of
16 probation or parole imposed for the violation.

17 (2) A person convicted of a specified felony shall not
18 possess, use, transport, sell, purchase, carry, ship, receive, or
19 distribute a firearm in this state until all of the following
20 circumstances exist:

21 (a) The expiration of 5 years after all of the following
22 circumstances exist:

23 (i) The person has paid all fines imposed for the violation.

24 (ii) The person has served all terms of imprisonment imposed
25 for the violation.

26 (iii) The person has successfully completed all conditions of
27 probation or parole imposed for the violation.

28 (b) The person's right to possess, use, transport, sell,
29 purchase, carry, ship, receive, or distribute a firearm has been

1 restored under section 4 of 1927 PA 372, MCL 28.424.

2 (3) Except as provided in subsection (4), a person convicted
3 of a felony shall not possess, use, transport, sell, carry, ship,
4 or distribute ammunition in this state until the expiration of 3
5 years after all of the following circumstances exist:

6 (a) The person has paid all fines imposed for the violation.

7 (b) The person has served all terms of imprisonment imposed
8 for the violation.

9 (c) The person has successfully completed all conditions of
10 probation or parole imposed for the violation.

11 (4) A person convicted of a specified felony shall not
12 possess, use, transport, sell, carry, ship, or distribute
13 ammunition in this state until all of the following circumstances
14 exist:

15 (a) The expiration of 5 years after all of the following
16 circumstances exist:

17 (i) The person has paid all fines imposed for the violation.

18 (ii) The person has served all terms of imprisonment imposed
19 for the violation.

20 (iii) The person has successfully completed all conditions of
21 probation or parole imposed for the violation.

22 (b) The person's right to possess, use, transport, sell,
23 purchase, carry, ship, receive, or distribute ammunition has been
24 restored under section 4 of 1927 PA 372, MCL 28.424.

25 (5) A person convicted of a misdemeanor involving domestic
26 violence shall not possess, use, transport, sell, purchase, carry,
27 ship, receive, or distribute a firearm or ammunition in this state
28 until the expiration of 8 years after all of the following
29 circumstances exist:

1 (a) The person has paid all fines imposed for the violation.

2 (b) The person has served all terms of imprisonment imposed
3 for the violation.

4 (c) The person has successfully completed all conditions of
5 probation imposed for the violation.

6 (6) A person who possesses, uses, transports, sells,
7 purchases, carries, ships, receives, or distributes a firearm in
8 violation of this section is guilty of a felony ~~punishable by~~ **and**
9 **the court shall sentence the person to** imprisonment for not ~~more~~
10 **less** than ~~5-10~~ years or **more than life or any term of years and may**
11 **impose** a fine of not more than \$5,000.00, or both.

12 (7) A person who possesses, uses, transports, sells, carries,
13 ships, or distributes ammunition in violation of this section is
14 guilty of a felony ~~punishable by~~ **and the court shall sentence the**
15 **person to** imprisonment for not ~~more~~ **less** than 5 years or **more than**
16 **life and may impose** a fine of not more than \$5,000.00, or both.

17 (8) Any single criminal transaction where a person possesses,
18 uses, transports, sells, carries, ships, or distributes ammunition
19 in violation of this section, regardless of the amount of
20 ammunition involved, constitutes 1 offense.

21 (9) This section does not apply to a conviction that has been
22 expunged or set aside, or for which the person has been pardoned,
23 unless the expunction, order, or pardon expressly provides that the
24 person shall not possess a firearm or ammunition.

25 (10) As used in this section:

26 (a) "Ammunition" means any projectile that, in its current
27 state, may be expelled from a firearm by an explosive.

28 (b) "Felony" means a violation of a law of this state, or of
29 another state, or of the United States that is punishable by

1 imprisonment for a term exceeding 1 year, or an attempt to violate
2 such a law.

3 (c) "Misdemeanor involving domestic violence" means a
4 violation of any of the following:

5 (i) Section 81(2).

6 (ii) Section 81(4) if both the violation of section 81(4) and
7 the previous conviction were for assaulting or assaulting and
8 battering an individual described in section 81(2).

9 (iii) Section 81a(2).

10 (iv) Section 115(2).

11 (v) Section 145n(5).

12 (vi) Section 377a(1)(d) or (f).

13 (vii) Section 380(5) or (7).

14 (viii) Section 411h(2)(c).

15 (ix) Section 540e(1)(h).

16 (x) An ordinance, a law of another state, or a law of the
17 United States that substantially corresponds to a violation listed
18 in subparagraphs (i) to (ix).

19 (xi) An ordinance, a law of another state, or a law of the
20 United States that is specifically designated as domestic violence.

21 (d) "Specified felony" means a felony in which 1 or more of
22 the following circumstances exist:

23 (i) An element of that felony is the use, attempted use, or
24 threatened use of physical force against the person or property of
25 another, or that by its nature involves a substantial risk that
26 physical force against the person or property of another may be
27 used in the course of committing the offense.

28 (ii) An element of that felony is the unlawful manufacture,

1 possession, importation, exportation, distribution, or dispensing
2 of a controlled substance.

3 (iii) An element of that felony is the unlawful possession or
4 distribution of a firearm.

5 (iv) An element of that felony is the unlawful use of an
6 explosive.

7 (v) The felony is burglary of an occupied dwelling, breaking
8 and entering an occupied dwelling, or arson.

9 Sec. 227b. (1) A person who carries or has in his or her
10 possession a firearm when he or she commits or attempts to commit a
11 felony, except a violation of section 223, 227, 227a, or 230, is
12 guilty of a felony and shall be punished by imprisonment for ~~2~~**not**
13 **less than 5 years or more than life or any term of years**. Upon a
14 second conviction under this subsection, the person shall be
15 punished by imprisonment for ~~5~~**not less than 10 years or more than**
16 **life or any term of years**. Upon a third or subsequent conviction
17 under this subsection, the person shall be punished by imprisonment
18 for ~~10~~**not less than 15 years or more than life or any term of**
19 **years**.

20 (2) A person who carries or has in his or her possession a
21 pneumatic gun and uses that pneumatic gun in furtherance of
22 committing or attempting to commit a felony, except a violation of
23 section 223, 227, 227a, or 230, is guilty of a felony and shall be
24 punished by imprisonment for ~~2~~**not less than 5 years or more than**
25 **life or any term of years**. Upon a second conviction under this
26 subsection, the person shall be punished by imprisonment for ~~5~~**not**
27 **less than 10 years or more than life or any term of years**. Upon a
28 third or subsequent conviction under this subsection, the person
29 shall be punished by imprisonment for ~~10~~**not less than 15 years or**

1 **more than life or any term of years.**

2 (3) A term of imprisonment prescribed by this section is in
3 addition to the sentence imposed for the conviction of the felony
4 or the attempt to commit the felony and shall be served
5 consecutively with and preceding any term of imprisonment imposed
6 for the conviction of the felony or attempt to commit the felony.

7 (4) A term of imprisonment imposed under this section shall
8 not be suspended. The person subject to the sentence mandated by
9 this section is not eligible for parole or probation during the
10 mandatory term imposed under subsection (1) or (2).

11 (5) This section does not apply to a law enforcement officer
12 who is authorized to carry a firearm while in the official
13 performance of his or her duties and who is in the performance of
14 those duties. As used in this subsection, "law enforcement officer"
15 means a person who is regularly employed as a member of a duly
16 authorized police agency or other organization of the United
17 States, this state, or a city, county, township, or village of this
18 state and who is responsible for the prevention and detection of
19 crime and the enforcement of the general criminal laws of this
20 state.

21 Sec. 234a. (1) An individual who intentionally discharges a
22 firearm from a motor vehicle, a snowmobile, or an off-road vehicle
23 is guilty of a crime as follows:

24 (a) If the violation endangers the safety of another
25 individual, the individual is guilty of a felony. ~~punishable by~~ **The**
26 **court shall sentence the person to** imprisonment for not **less than 5**
27 **years or** more than ~~10~~ **life or any term of** years ~~or~~ **and may impose** a
28 fine of not more than \$10,000.00, or both.

29 (b) If the violation causes any physical injury to another

1 individual, the individual is guilty of a felony punishable by
2 imprisonment for not more than 15 years or a fine of not more than
3 \$15,000.00, or both.

4 (c) If the violation causes the serious impairment of a body
5 function of another individual, the individual is guilty of a
6 felony punishable by imprisonment for not more than 20 years or a
7 fine of not more than \$25,000.00, or both.

8 (d) If the violation causes the death of another individual,
9 the individual is guilty of a felony punishable by imprisonment for
10 life or any term of years.

11 (2) Subsection (1) does not apply to any of the following:

12 (a) A peace officer of this state or another state, or of a
13 local unit of government of this state or another state, or of the
14 United States, performing his or her duties as a peace officer
15 while on or off a scheduled work shift as a peace officer.

16 (b) An individual who discharges a firearm in self-defense or
17 the defense of another individual.

18 (3) This section does not prohibit an individual from being
19 charged with, convicted of, or punished for any other violation of
20 law that is committed by that individual while violating this
21 section.

22 (4) A term of imprisonment imposed for a violation of this
23 section may run consecutively to any term of imprisonment imposed
24 for another violation arising from the same transaction.

25 (5) As used in this section:

26 (a) "Peace officer" means that term as defined in section 215.

27 (b) "Serious impairment of a body function" means that term as
28 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
29 MCL 257.58c.

1 Sec. 317. ~~Second degree murder~~All other kinds of murder shall
 2 ~~be not described under section 316 are~~ murder of the second degree.
 3 ~~, and shall be punished by~~**The court shall sentence a person guilty**
 4 **of second degree murder to** imprisonment ~~in the state prison for not~~
 5 **less than 20 years or more than** life ~~, or any term of years. , in~~
 6 ~~the discretion of the court trying the same.~~

7 Sec. 317a. A person who delivers a schedule 1 or 2 controlled
 8 substance, other than marihuana, to another person in violation of
 9 section 7401 of the public health code, 1978 PA 368, MCL 333.7401,
 10 that is consumed by that person or any other person and that causes
 11 the death of that person or other person is guilty of a felony.
 12 ~~punishable by~~**The court shall sentence the person to** imprisonment
 13 for **not less than 15 years or more than** life or any term of years.

14 Sec. 321. ~~Manslaughter~~~~Any~~**A** person who ~~shall commit~~**commits**
 15 the crime of manslaughter ~~shall be~~**is** guilty of a felony.
 16 ~~punishable by imprisonment in the state prison,~~**The court shall**
 17 **sentence the person to imprisonment for not less than 5 years or**
 18 **more than 15 life or any term of years** ~~or by~~**and may impose a fine**
 19 of not more than ~~7,500 dollars,~~**\$7,500.00**, or both. ~~, at the~~
 20 ~~discretion of the court.~~

21 Sec. 349. (1) A person commits the crime of kidnapping if ~~he~~
 22 ~~or she~~**the person** knowingly restrains another person with the
 23 intent to do 1 or more of the following:

- 24 (a) Hold that person for ransom or reward.
 25 (b) Use that person as a shield or hostage.
 26 (c) Engage in criminal sexual penetration or criminal sexual
 27 contact prohibited under chapter LXXVI with that person.
 28 (d) Take that person outside of this state.
 29 (e) Hold that person in involuntary servitude.

1 (f) Engage in child sexually abusive activity, as that term is
2 defined in section 145c, with that person, if that person is a
3 minor.

4 (2) As used in this section, "restrain" means to restrict a
5 person's movements or to confine the person so as to interfere with
6 that person's liberty without that person's consent or without
7 legal authority. The restraint does not have to exist for any
8 particular length of time and may be related or incidental to the
9 commission of other criminal acts.

10 (3) A person who commits the crime of kidnapping is guilty of
11 a felony. ~~punishable by~~ **The court shall sentence the person to**
12 imprisonment for **not less than 15 years or more than** life or any
13 term of years ~~or~~ **and may impose** a fine of not more than \$50,000.00,
14 or both.

15 (4) This section does not prohibit the person from being
16 charged with, convicted of, or sentenced for any other violation of
17 law arising from the same transaction as the violation of this
18 section.

19 Sec. 349b. (1) A person commits the crime of unlawful
20 imprisonment if ~~he or she~~ **the person** knowingly restrains another
21 person under any of the following circumstances:

22 (a) The person is restrained by means of a weapon or dangerous
23 instrument.

24 (b) The restrained person was secretly confined.

25 (c) The person was restrained to facilitate the commission of
26 another felony or to facilitate flight after commission of another
27 felony.

28 (2) A person who commits unlawful imprisonment is guilty of a
29 felony. ~~punishable by~~ **The court shall sentence the person to**

1 imprisonment for not ~~more~~**less** than ~~15~~**10** years or **more than life**
2 **or any term of years and may impose** a fine of not more than
3 \$20,000.00, or both.

4 (3) As used in this section:

5 (a) "Restrain" means to forcibly restrict a person's movements
6 or to forcibly confine the person so as to interfere with that
7 person's liberty without that person's consent or without lawful
8 authority. The restraint does not have to exist for any particular
9 length of time and may be related or incidental to the commission
10 of other criminal acts.

11 (b) "Secretly confined" means either of the following:

12 (i) To keep the confinement of the restrained person a secret.

13 (ii) To keep the location of the restrained person a secret.

14 (4) This section does not prohibit the person from being
15 charged with, convicted of, or sentenced for any other violation of
16 law that is committed by that person while violating this section.

17 Sec. 356. (1) A person who commits larceny by stealing any of
18 the following property of another person is guilty of a crime as
19 provided in this section:

20 (a) Money, goods, or chattels.

21 (b) A bank note, bank bill, bond, promissory note, due bill,
22 bill of exchange or other bill, draft, order, or certificate.

23 (c) A book of accounts for or concerning money or goods due,
24 to become due, or to be delivered.

25 (d) A deed or writing containing a conveyance of land or other
26 valuable contract in force.

27 (e) A receipt, release, or defeasance.

28 (f) A writ, process, or public record.

29 (g) Scrap metal.

1 (2) If any of the following apply, the person is guilty of a
 2 felony ~~punishable by~~ **and the court shall sentence the person to**
 3 imprisonment for not ~~more~~ **less** than ~~10~~ **5** years or **more than life or**
 4 **any term of years and may impose** a fine of not more than \$15,000.00
 5 or 3 times the value of the property stolen, whichever is greater,
 6 or both imprisonment and a fine:

7 (a) The property stolen has a value of \$20,000.00 or more.

8 (b) The person violates subsection (3) (a) and has 2 or more
 9 prior convictions for committing or attempting to commit an offense
 10 under this section. For purposes of this subdivision, however, a
 11 prior conviction does not include a conviction for a violation or
 12 attempted violation of subsection (4) (b) or (5).

13 (3) ~~If any of the following apply,~~ **the property stolen has a**
 14 **value of \$1,000.00 or more but less than \$20,000.00,** the person is
 15 guilty of a felony ~~punishable by~~ **and the court shall sentence the**
 16 **person to** imprisonment for not ~~more~~ **less** than **4 years or more than**
 17 ~~5 years~~ **life** or **any term of years and may impose** a fine of not more
 18 than \$10,000.00 or 3 times the value of the property stolen,
 19 whichever is greater, or both imprisonment and a fine. ÷

20 ~~(a) The property stolen has a value of \$1,000.00 or more but~~
 21 ~~less than \$20,000.00.~~

22 (4) ~~(b) The~~ **If the** person violates subsection ~~(4) (a)~~ **(5) (a)**
 23 and has 1 or more prior convictions for committing or attempting to
 24 commit an offense under this section, **the person is guilty of a**
 25 **felony. The court shall sentence the person to imprisonment for not**
 26 **less than 3 years or more than life or any term of years and may**
 27 **impose a fine of not more than \$10,000.00 or 3 times the value of**
 28 **the property stolen, whichever is greater, or both imprisonment and**
 29 **a fine.** For purposes of this ~~subdivision,~~ **subsection,** however, a

1 prior conviction does not include a conviction for a violation or
2 attempted violation of subsection ~~(4)(b)~~ **(5)(b)** or ~~(5)~~ **(6)**.

3 **(5)** ~~(4)~~—If any of the following apply, the person is guilty of
4 a misdemeanor punishable by imprisonment for not more than 1 year
5 or a fine of not more than \$2,000.00 or 3 times the value of the
6 property stolen, whichever is greater, or both imprisonment and a
7 fine:

8 (a) The property stolen has a value of \$200.00 or more but
9 less than \$1,000.00.

10 (b) The person violates subsection (5) and has 1 or more prior
11 convictions for committing or attempting to commit an offense under
12 this section or a local ordinance substantially corresponding to
13 this section.

14 **(6)** ~~(5)~~—If the property stolen has a value of less than
15 \$200.00, the person is guilty of a misdemeanor punishable by
16 imprisonment for not more than 93 days or a fine of not more than
17 \$500.00 or 3 times the value of the property stolen, whichever is
18 greater, or both imprisonment and a fine.

19 **(7)** ~~(6)~~—If the property stolen is scrap metal, then, as used
20 in this section, "the value of the property stolen" means the
21 greatest of the following:

22 (a) The replacement cost of the stolen scrap metal.

23 (b) The cost of repairing the damage caused by the larceny of
24 the scrap metal.

25 (c) The sum of subdivisions (a) and (b).

26 **(8)** ~~(7)~~—The values of property stolen in separate incidents
27 pursuant to a scheme or course of conduct within any 12-month
28 period may be aggregated to determine the total value of property
29 stolen.

1 **(9)** ~~(8)~~—If the prosecuting attorney intends to seek an
 2 enhanced sentence based upon the defendant having 1 or more prior
 3 convictions, the prosecuting attorney shall include on the
 4 complaint and information a statement listing the prior conviction
 5 or convictions. The existence of the defendant's prior conviction
 6 or convictions shall be determined by the court, without a jury, at
 7 sentencing or at a separate hearing for that purpose before
 8 sentencing. The existence of a prior conviction may be established
 9 by any evidence relevant for that purpose, including, but not
 10 limited to, 1 or more of the following:

- 11 (a) A copy of the judgment of conviction.
- 12 (b) A transcript of a prior trial, plea-taking, or sentencing.
- 13 (c) Information contained in a presentence report.
- 14 (d) The defendant's statement.

15 **(10)** ~~(9)~~—If the sentence for a conviction under this section
 16 is enhanced by 1 or more prior convictions, those prior convictions
 17 shall not be used to further enhance the sentence for the
 18 conviction pursuant to section 10, 11, or 12 of chapter IX of the
 19 code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and
 20 769.12.

21 **(11)** ~~(10)~~—As used in this section, "scrap metal" means that
 22 term as defined in section 3 of the scrap metal regulatory act,
 23 2008 PA 429, MCL 445.423.

24 Sec. 356a. (1) A person who commits larceny by stealing or
 25 unlawfully removing or taking any wheel, tire, air bag, catalytic
 26 converter, radio, stereo, clock, telephone, computer, or other
 27 electronic device in or on any motor vehicle, house trailer,
 28 trailer, or semitrailer is guilty of a felony punishable by
 29 imprisonment for not more than 5 years or a fine of not more than

1 \$10,000.00, or both.

2 (2) Except as provided in subsection (3), a person who enters
3 or breaks into a motor vehicle, house trailer, trailer, or
4 semitrailer to steal or unlawfully remove property from it is
5 guilty of a crime as follows:

6 (a) If the value of the property is less than \$200.00, the
7 person is guilty of a misdemeanor punishable by imprisonment for
8 not more than 93 days or a fine of not more than \$500.00 or 3 times
9 the value of the property, whichever is greater, or both
10 imprisonment and a fine.

11 (b) If any of the following apply, the person is guilty of a
12 misdemeanor punishable by imprisonment for not more than 1 year or
13 a fine of not more than \$2,000.00 or 3 times the value of the
14 property, whichever is greater, or both imprisonment and a fine:

15 (i) The value of the property is \$200.00 or more but less than
16 \$1,000.00.

17 (ii) The person violates subdivision (a) and has 1 or more
18 prior convictions for committing or attempting to commit an offense
19 under this section or a local ordinance substantially corresponding
20 to this section.

21 (c) If any of the following apply, the person is guilty of a
22 felony ~~punishable by~~ **and the court shall sentence the person to**
23 imprisonment for not **less than 3 years or** more than ~~5 years or life~~
24 **or any term of years and may impose** a fine of not more than
25 \$10,000.00 or 3 times the value of the property, whichever is
26 greater, or both imprisonment and a fine:

27 (i) The value of the property is \$1,000.00 or more but less
28 than \$20,000.00.

29 (ii) The person violates subdivision (b) (i) and has 1 or more

1 prior convictions for violating or attempting to violate this
2 section. For purposes of this subparagraph, however, a prior
3 conviction does not include a conviction for a violation or
4 attempted violation of subdivision (a) or (b) (ii).

5 (d) If any of the following apply, the person is guilty of a
6 felony punishable by imprisonment for not more than 10 years or a
7 fine of not more than \$15,000.00 or 3 times the value of the
8 property, whichever is greater, or both imprisonment and a fine:

9 (i) The property has a value of \$20,000.00 or more.

10 (ii) The person violates subdivision (c) (i) and has 2 or more
11 prior convictions for committing or attempting to commit an offense
12 under this section. For purposes of this subparagraph, however, a
13 prior conviction does not include a conviction for a violation or
14 attempted violation of subdivision (a) or (b) (ii).

15 (3) A person who violates subsection (2) (a) or (b) and who
16 breaks, tears, cuts, or otherwise damages any part of the motor
17 vehicle, house trailer, trailer, or semitrailer is guilty of a
18 felony ~~punishable by~~ **and the court shall sentence the person to**
19 imprisonment for not **less than 4 years or** more than ~~5 years life~~ or
20 **any term of years and may impose** a fine of not more than
21 \$10,000.00, or both, regardless of the value of the property.

22 (4) The values of property stolen or unlawfully removed in
23 separate incidents pursuant to a scheme or course of conduct within
24 any 12-month period may be aggregated to determine the total value
25 of property stolen or unlawfully removed.

26 (5) If the prosecuting attorney intends to seek an enhanced
27 sentence based upon the defendant having 1 or more prior
28 convictions, the prosecuting attorney shall include on the
29 complaint and information a statement listing the prior conviction

1 or convictions. The existence of the defendant's prior conviction
 2 or convictions shall be determined by the court, without a jury, at
 3 sentencing or at a separate hearing for that purpose before
 4 sentencing. The existence of a prior conviction may be established
 5 by any evidence relevant for that purpose, including, but not
 6 limited to, 1 or more of the following:

7 (a) A copy of the judgment of conviction.

8 (b) A transcript of a prior trial, plea-taking, or sentencing.

9 (c) Information contained in a presentence report.

10 (d) The defendant's statement.

11 (e) A copy of a court register of actions.

12 (6) If the sentence for a conviction under this section is
 13 enhanced by 1 or more prior convictions, those prior convictions
 14 shall not be used to further enhance the sentence for the
 15 conviction under section 10, 11, or 12 of chapter IX of the code of
 16 criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

17 Sec. 356c. (1) A person who does any of the following in a
 18 store or in its immediate vicinity is guilty of retail fraud in the
 19 first degree, a felony, ~~punishable by~~ **and the court shall sentence**
 20 **the person to** imprisonment for not ~~more~~-**less** than 5 years **or more**
 21 **than life** or **any term of years and may impose** a fine of not more
 22 than \$10,000.00 or 3 times the value of the difference in price,
 23 property stolen, or money or property obtained or attempted to be
 24 obtained, whichever is greater, or both imprisonment and a fine:

25 (a) While a store is open to the public, alters, transfers,
 26 removes and replaces, conceals, or otherwise misrepresents the
 27 price at which property is offered for sale, with the intent not to
 28 pay for the property or to pay less than the price at which the
 29 property is offered for sale, if the resulting difference in price

1 is \$1,000.00 or more.

2 (b) While a store is open to the public, steals property of
3 the store that is offered for sale at a price of \$1,000.00 or more.

4 (c) With intent to defraud, obtains or attempts to obtain
5 money or property from the store as a refund or exchange for
6 property that was not paid for and belongs to the store, if the
7 amount of money or the value of the property obtained or attempted
8 to be obtained is \$1,000.00 or more.

9 (2) A person who violates section 356d(1) and who has 1 or
10 more prior convictions for committing or attempting to commit an
11 offense under this section or section 218, 356, 356d(1), or 360 is
12 guilty of retail fraud in the first degree. For purposes of this
13 subsection, however, a prior conviction does not include a
14 conviction for a violation or attempted violation of section 218(2)
15 or (3)(b) or section 356(4)(b) or (5).

16 (3) The values of the difference in price, property stolen, or
17 money or property obtained or attempted to be obtained in separate
18 incidents pursuant to a scheme or course of conduct within any 12-
19 month period may be aggregated to determine the total value
20 involved in the offense under this section.

21 (4) If the prosecuting attorney intends to seek an enhanced
22 sentence based upon the defendant having 1 or more prior
23 convictions, the prosecuting attorney shall include on the
24 complaint and information a statement listing the prior conviction
25 or convictions. The existence of the defendant's prior conviction
26 or convictions shall be determined by the court, without a jury, at
27 sentencing or at a separate hearing for that purpose before
28 sentencing. The existence of a prior conviction may be established
29 by any evidence relevant for that purpose, including, but not

1 limited to, 1 or more of the following:

2 (a) A copy of the judgment of conviction.

3 (b) A transcript of a prior trial, plea-taking, or sentencing.

4 (c) Information contained in a presentence report.

5 (d) The defendant's statement.

6 (5) A person who commits retail fraud in the first degree
7 shall not be prosecuted under section 218(5) or 356(2).

8 (6) If the sentence for a conviction under this section is
9 enhanced by 1 or more prior convictions, those prior convictions
10 shall not be used to further enhance the sentence for the
11 conviction pursuant to section 10, 11, or 12 of chapter IX of the
12 code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and
13 769.12.

14 Sec. 356d. (1) A person who does any of the following in a
15 store or in its immediate vicinity is guilty of retail fraud in the
16 second degree, a ~~misdemeanor punishable by felony, and the court~~
17 **shall sentence the person to** imprisonment for not ~~more than 1 year~~
18 ~~or less than 182 days or more than life or any term of years and~~
19 **may impose** a fine of not more than \$2,000.00 or 3 times the value
20 of the difference in price, property stolen, or money or property
21 obtained or attempted to be obtained, whichever is greater, or both
22 imprisonment and a fine:

23 (a) While a store is open to the public, alters, transfers,
24 removes and replaces, conceals, or otherwise misrepresents the
25 price at which property is offered for sale with the intent not to
26 pay for the property or to pay less than the price at which the
27 property is offered for sale if the resulting difference in price
28 is \$200.00 or more but less than \$1,000.00.

29 (b) While a store is open to the public, steals property of

1 the store that is offered for sale at a price of \$200.00 or more
2 but less than \$1,000.00.

3 (c) With intent to defraud, obtains or attempts to obtain
4 money or property from the store as a refund or exchange for
5 property that was not paid for and belongs to the store if the
6 amount of money or the value of the property obtained or attempted
7 to be obtained is \$200.00 or more but less than \$1,000.00.

8 (2) A person who violates subsection (4) and who has 1 or more
9 prior convictions for committing or attempting to commit an offense
10 under this section, section 218, 356, 356c, or 360, or a local
11 ordinance substantially corresponding to this section or section
12 218, 356, 356c, or 360 is guilty of retail fraud in the second
13 degree.

14 (3) A person who commits retail fraud in the second degree
15 shall not be prosecuted under section 360.

16 (4) A person who does any of the following in a store or in
17 its immediate vicinity is guilty of retail fraud in the third
18 degree, a misdemeanor punishable by imprisonment for not more than
19 93 days or a fine of not more than \$500.00 or 3 times the value of
20 the difference in price, property stolen, or money or property
21 obtained or attempted to be obtained, whichever is greater, or both
22 imprisonment and a fine:

23 (a) While a store is open to the public, alters, transfers,
24 removes and replaces, conceals, or otherwise misrepresents the
25 price at which property is offered for sale, with the intent not to
26 pay for the property or to pay less than the price at which the
27 property is offered for sale, if the resulting difference in price
28 is less than \$200.00.

29 (b) While a store is open to the public, steals property of

1 the store that is offered for sale at a price of less than \$200.00.

2 (c) With intent to defraud, obtains or attempts to obtain
3 money or property from the store as a refund or exchange for
4 property that was not paid for and belongs to the store, if the
5 amount of money, or the value of the property, obtained or
6 attempted to be obtained is less than \$200.00.

7 (5) A person who commits retail fraud in the third degree
8 shall not be prosecuted under section 360.

9 (6) The values of the difference in price, property stolen, or
10 money or property obtained or attempted to be obtained in separate
11 incidents pursuant to a scheme or course of conduct within any 12-
12 month period may be aggregated to determine the total value
13 involved in the offense under this section.

14 (7) If the prosecuting attorney intends to seek an enhanced
15 sentence based upon the defendant having 1 or more prior
16 convictions, the prosecuting attorney shall include on the
17 complaint and information a statement listing the prior conviction
18 or convictions. The existence of the defendant's prior conviction
19 or convictions shall be determined by the court, without a jury, at
20 sentencing or at a separate hearing for that purpose before
21 sentencing. The existence of a prior conviction may be established
22 by any evidence relevant for that purpose, including, but not
23 limited to, 1 or more of the following:

24 (a) A copy of the judgment of conviction.

25 (b) A transcript of a prior trial, plea-taking, or sentencing.

26 (c) Information contained in a presentence report.

27 (d) The defendant's statement.

28 Sec. 357. ~~Larceny from the person—Any~~ **A** person who ~~shall~~
29 ~~commit~~ **commits** the offense of larceny by stealing from the person

1 of another ~~shall be~~ **is** guilty of a felony. ~~, punishable by~~ **The**
 2 **court shall sentence the person to** imprisonment in the state prison
 3 **for not less than 5 years or** more than ~~10 years.~~ **life or any term of**
 4 **years.**

5 Sec. 357b. A person who commits larceny by stealing the
 6 firearm of another person is guilty of a felony. ~~, punishable by~~
 7 **The court shall sentence the person to** imprisonment for not ~~more~~
 8 **less than 5 years or** ~~by more than~~ **life or any term of years and may**
 9 **impose** a fine of not more than \$2,500.00, or both.

10 Sec. 360. ~~Any~~ **A** person who ~~shall commit~~ **commits** the crime of
 11 larceny by stealing in any dwelling house, house trailer, office,
 12 store, gasoline service station, shop, warehouse, mill, factory,
 13 hotel, school, barn, granary, ship, boat, vessel, church, house of
 14 worship, locker room, or any building used by the public ~~shall be~~
 15 **is** guilty of a felony. **The court shall sentence the person to**
 16 **imprisonment for not less than 5 years or more than life or any**
 17 **term of years.**

18 Sec. 362. ~~Larceny by conversion, etc.~~ ~~Any~~ **A** person to whom any
 19 money, goods, or other property, which may be the subject of
 20 larceny, ~~shall have~~ **has** been delivered, who ~~shall embezzle~~
 21 **embezzles** or fraudulently ~~convert~~ **converts** to ~~his~~ **the person's** own
 22 use, or ~~shall secrete~~ **secretes** with the intent to embezzle, or
 23 fraudulently use ~~such~~ **the** goods, money, or other property, or any
 24 part thereof, ~~shall be deemed by so doing to have~~ **has** committed the
 25 crime of larceny and ~~shall be punished as provided in the first~~
 26 ~~section of this chapter.~~ **is** guilty of a felony. **The court shall**
 27 **sentence the person to imprisonment for not less than 5 years or**
 28 **more than life or any term of years and may impose a fine of not**
 29 **more than \$10,000.00 or 3 times the value of the property stolen,**

1 **whichever is greater, or both imprisonment and a fine.**

2 Sec. 377a. (1) A person who willfully and maliciously destroys
3 or injures the personal property of another person is guilty of a
4 crime as follows:

5 (a) If any of the following apply, the person is guilty of a
6 felony ~~punishable by~~ **and the court shall sentence the person to**
7 imprisonment for not ~~more~~-**less** than ~~10~~-**5** years or **more than life or**
8 **any term of years and may impose** a fine of not more than \$15,000.00
9 or 3 times the amount of the destruction or injury, whichever is
10 greater, or both imprisonment and a fine:

11 (i) The amount of the destruction or injury is \$20,000.00 or
12 more.

13 (ii) The person violates subdivision (b) (i) and has 2 or more
14 prior convictions for committing or attempting to commit an offense
15 under this section. For purposes of this subparagraph, however, a
16 prior conviction does not include a conviction for a violation or
17 attempted violation of subdivision (c) (ii), (e), or (f).

18 (b) If any of the following apply, the person is guilty of a
19 felony ~~punishable by~~ **and the court shall sentence the person to**
20 imprisonment for not ~~more~~-**less** than ~~5~~-**4** years or **more than life or**
21 **any term of years and may impose** a fine of not more than \$10,000.00
22 or 3 times the amount of the destruction or injury, whichever is
23 greater, or both imprisonment and a fine:

24 (i) The amount of the destruction or injury is \$1,000.00 or
25 more but less than \$20,000.00.

26 (ii) The person violates subdivision (c) (i) and has 1 or more
27 prior convictions for committing or attempting to commit an offense
28 under this section. For purposes of this subparagraph, however, a
29 prior conviction does not include a conviction for a violation or

1 attempted violation of subdivision (c) (ii), (e), or (f).

2 (c) If any of the following apply, the person is guilty of a
3 misdemeanor punishable by imprisonment for not more than 1 year or
4 a fine of not more than \$2,000.00 or 3 times the amount of the
5 destruction or injury, whichever is greater, or both imprisonment
6 and a fine:

7 (i) The amount of the destruction or injury is \$200.00 or more
8 but less than \$1,000.00.

9 (ii) The person violates subdivision (e) or (f) and has 1 or
10 more prior convictions for committing or attempting to commit an
11 offense under this section or a local ordinance substantially
12 corresponding to this section.

13 (d) If the person and the property owner are spouses or former
14 spouses, have or have had a dating relationship, have or have had a
15 child in common, or are residents or former residents of the same
16 household, and any of the following apply, the person is guilty of
17 a misdemeanor punishable by imprisonment for not more than 1 year
18 or a fine of not more than \$2,000.00 or 3 times the amount of the
19 destruction or injury, whichever is greater, or both imprisonment
20 and a fine:

21 (i) The amount of the destruction or injury is \$200.00 or more
22 but less than \$1,000.00.

23 (ii) The person violates subdivision (e) or (f) and has 1 or
24 more prior convictions for committing or attempting to commit an
25 offense under this section or a local ordinance substantially
26 corresponding to this section.

27 (e) If the amount of the destruction or injury is less than
28 \$200.00, the person is guilty of a misdemeanor punishable by
29 imprisonment for not more than 93 days or a fine of not more than

1 \$500.00 or 3 times the amount of the destruction or injury,
2 whichever is greater, or both imprisonment and a fine.

3 (f) If the person and the property owner are spouses or former
4 spouses, have or have had a dating relationship, have or have had a
5 child in common, or are residents or former residents of the same
6 household and the amount of the destruction or injury is less than
7 \$200.00, the person is guilty of a misdemeanor punishable by
8 imprisonment for not more than 93 days or a fine of not more than
9 \$500.00 or 3 times the amount of the destruction or injury,
10 whichever is greater, or both imprisonment and a fine.

11 (2) The amounts of destruction or injury in separate incidents
12 pursuant to a scheme or course of conduct within any 12-month
13 period may be aggregated in determining the total amount of the
14 destruction or injury.

15 (3) If the prosecuting attorney intends to seek an enhanced
16 sentence based upon the defendant having 1 or more prior
17 convictions, the prosecuting attorney shall include on the
18 complaint and information a statement listing the prior conviction
19 or convictions. The existence of the defendant's prior conviction
20 or convictions must be determined by the court, without a jury, at
21 sentencing or at a separate hearing for that purpose before
22 sentencing. The existence of a prior conviction may be established
23 by any evidence relevant for that purpose, including, but not
24 limited to, 1 or more of the following:

- 25 (a) A copy of the judgment of conviction.
26 (b) A transcript of a prior trial, plea-taking, or sentencing.
27 (c) Information contained in a presentence report.
28 (d) The defendant's statement.
29 (4) If the sentence for a conviction under this section is

1 enhanced by 1 or more prior convictions, those prior convictions
2 must not be used to further enhance the sentence for the conviction
3 pursuant to section 10, 11, or 12 of chapter IX of the code of
4 criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

5 (5) As used in this section, "dating relationship" means
6 frequent, intimate associations primarily characterized by the
7 expectation of affectional involvement. This term does not include
8 a casual relationship or an ordinary fraternization between 2
9 individuals in a business or social context.

10 Sec. 377b. ~~Maliciously destroying or injuring certain personal~~
11 ~~property~~ Any ~~A~~ person who shall ~~wilfully~~ **willfully** and maliciously
12 ~~destroy~~ **destroys** or ~~injure~~ **injures** the personal property of any
13 fire or police department, including the Michigan state police,
14 ~~shall be~~ **is** guilty of a felony. **The court shall sentence the person**
15 **to imprisonment for not less than 5 years or more than life or any**
16 **term of years.**

17 Sec. 380. (1) A person shall not willfully and maliciously
18 destroy or injure another person's house, barn, or other building
19 or its appurtenances.

20 (2) If any of the following apply, a person who violates
21 subsection (1) is guilty of a felony punishable by imprisonment for
22 not ~~more~~ **less** than 10 years or **more than life or any term of years**
23 **or** a fine of not more than \$15,000.00 or 3 times the amount of the
24 destruction or injury, whichever is greater, or both imprisonment
25 and a fine:

26 (a) The amount of the destruction or injury is \$20,000.00 or
27 more.

28 (b) The person violates subsection (3) (a) and has 2 or more
29 prior convictions for committing or attempting to commit an offense

1 under this section. For purposes of this subdivision, however, a
2 prior conviction does not include a conviction for a violation or
3 attempted violation of subsection (4) (b), (5) (b), (6), or (7).

4 (3) If any of the following apply, a person who violates
5 subsection (1) is guilty of a felony ~~punishable by~~ **and the court**
6 **shall sentence the person to** imprisonment for not ~~more~~ **less than 2**
7 **years** ~~than 5 years~~ or **more than life or any term of years and may**
8 **impose** a fine of not more than \$10,000.00 or 3 times the amount of
9 the destruction or injury, whichever is greater, or both
10 imprisonment and a fine:

11 (a) The amount of the destruction or injury is \$1,000.00 or
12 more but less than \$20,000.00.

13 (b) The person violates subsection (4) (a) and has 1 or more
14 prior convictions for committing or attempting to commit an offense
15 under this section. For purposes of this subdivision, however, a
16 prior conviction does not include a conviction for a violation or
17 attempted violation of subsection (4) (b), (5) (b), (6), or (7).

18 (4) If any of the following apply, a person who violates
19 subsection (1) is guilty of a misdemeanor punishable by
20 imprisonment for not more than 1 year or a fine of not more than
21 \$2,000.00 or 3 times the amount of the destruction or injury,
22 whichever is greater, or both imprisonment and a fine:

23 (a) The amount of the destruction or injury is \$200.00 or more
24 but less than \$1,000.00.

25 (b) The person violates subsection (6) or (7) and has 1 or
26 more prior convictions for committing or attempting to commit an
27 offense under this section or a local ordinance substantially
28 corresponding to this section.

29 (5) If the person and the property owner are spouses or former

1 spouses, have or have had a dating relationship, have or have had a
2 child in common, or are residents or former residents of the same
3 household and if any of the following apply, the person who
4 violates subsection (1) is guilty of a misdemeanor punishable by
5 imprisonment for not more than 1 year or a fine of not more than
6 \$2,000.00 or 3 times the amount of the destruction or injury,
7 whichever is greater, or both imprisonment and a fine:

8 (a) The amount of the destruction or injury is \$200.00 or more
9 but less than \$1,000.00.

10 (b) The person violates subsection (6) or (7) and has 1 or
11 more prior convictions for committing or attempting to commit an
12 offense under this section or a local ordinance substantially
13 corresponding to this section.

14 (6) If the amount of the destruction or injury is less than
15 \$200.00, a person who violates subsection (1) is guilty of a
16 misdemeanor punishable by imprisonment for not more than 93 days or
17 a fine of not more than \$500.00 or 3 times the amount of the
18 destruction or injury, whichever is greater, or both imprisonment
19 and a fine.

20 (7) If the person and the property owner are spouses or former
21 spouses, have or have had a dating relationship, have or have had a
22 child in common, or are residents or former residents of the same
23 household and if the amount of the destruction or injury is less
24 than \$200.00, the person who violates subsection (1) is guilty of a
25 misdemeanor punishable by imprisonment for not more than 93 days or
26 a fine of not more than \$500.00 or 3 times the amount of the
27 destruction or injury, whichever is greater, or both imprisonment
28 and a fine.

29 (8) The amounts of the destruction or injury in separate

1 incidents pursuant to a scheme or course of conduct within any 12-
2 month period may be aggregated to determine the total amount of the
3 destruction or injury.

4 (9) If the prosecuting attorney intends to seek an enhanced
5 sentence based upon the defendant having 1 or more prior
6 convictions, the prosecuting attorney shall include on the
7 complaint and information a statement listing the prior conviction
8 or convictions. The existence of the defendant's prior conviction
9 or convictions must be determined by the court, without a jury, at
10 sentencing or at a separate hearing for that purpose before
11 sentencing. The existence of a prior conviction may be established
12 by any evidence relevant for that purpose, including, but not
13 limited to, 1 or more of the following:

- 14 (a) A copy of the judgment of conviction.
15 (b) A transcript of a prior trial, plea-taking, or sentencing.
16 (c) Information contained in a presentence report.
17 (d) The defendant's statement.

18 (10) If the sentence for a conviction under this section is
19 enhanced by 1 or more prior convictions, those prior convictions
20 must not be used to further enhance the sentence for the conviction
21 pursuant to section 10, 11, or 12 of chapter IX of the code of
22 criminal procedure, 1927 PA 175, 769.10, 769.11, and 769.12.

23 (11) As used in this section, "dating relationship" means
24 frequent, intimate associations primarily characterized by the
25 expectation of affectional involvement. This term does not include
26 a casual relationship or an ordinary fraternization between 2
27 individuals in a business or social context.

28 Sec. 383a. A person, without lawful authority, shall not
29 willfully cut, break, obstruct, injure, destroy, tamper with or

1 manipulate, deface, or steal any machinery, tools, equipment,
2 telephone line or post, telegraph line or post, telecommunication
3 line, tower, or post, electric line, post, tower or supporting
4 structures, electric wire, insulator, switch, or signal, natural
5 gas pipeline, water pipeline, steam heat pipeline or the valves or
6 other appliances or equipment appertaining to or used in connection
7 with those lines, or any other appliance or component of the
8 electric, telecommunication, or natural gas infrastructure that is
9 the property of a utility. A person who violates this section is
10 guilty of a felony. ~~punishable by~~ **The court shall sentence the**
11 **person to** imprisonment for not ~~more~~-**less** than 5 years or **more than**
12 **life or any term of years and may impose** a fine of not more than
13 \$5,000.00, or both. As used in this section, "utility" includes any
14 pipeline, gas, electric, heat, water, oil, sewer, telephone,
15 telegraph, telecommunication, radio, railway, railroad, airplane,
16 transportation, communication, or other system, whether or not
17 publicly owned, that is operated for the public use.

18 Sec. 411h. (1) As used in this section:

19 (a) "Course of conduct" means a pattern of conduct composed of
20 a series of 2 or more separate noncontinuous acts evidencing a
21 continuity of purpose.

22 (b) "Dating relationship" means frequent, intimate
23 associations primarily characterized by the expectation of
24 affectional involvement. This term does not include a casual
25 relationship or an ordinary fraternization between 2 individuals in
26 a business or social context.

27 (c) "Emotional distress" means significant mental suffering or
28 distress that may, but does not necessarily, require medical or
29 other professional treatment or counseling.

1 (d) "Harassment" means conduct directed toward a victim that
2 includes, but is not limited to, repeated or continuing unconsented
3 contact that would cause a reasonable individual to suffer
4 emotional distress and that actually causes the victim to suffer
5 emotional distress. Harassment does not include constitutionally
6 protected activity or conduct that serves a legitimate purpose.

7 (e) "Stalking" means a willful course of conduct involving
8 repeated or continuing harassment of another individual that would
9 cause a reasonable person to feel terrorized, frightened,
10 intimidated, threatened, harassed, or molested and that actually
11 causes the victim to feel terrorized, frightened, intimidated,
12 threatened, harassed, or molested.

13 (f) "Unconsented contact" means any contact with another
14 individual that is initiated or continued without that individual's
15 consent or in disregard of that individual's expressed desire that
16 the contact be avoided or discontinued. Unconsented contact
17 includes, but is not limited to, any of the following:

18 (i) Following or appearing within the sight of that individual.

19 (ii) Approaching or confronting that individual in a public
20 place or on private property.

21 (iii) Appearing at that individual's workplace or residence.

22 (iv) Entering onto or remaining on property owned, leased, or
23 occupied by that individual.

24 (v) Contacting that individual by telephone.

25 (vi) Sending mail or electronic communications to that
26 individual.

27 (vii) Placing an object on, or delivering an object to,
28 property owned, leased, or occupied by that individual.

29 (g) "Victim" means an individual who is the target of a

1 willful course of conduct involving repeated or continuing
2 harassment.

3 (2) An individual who engages in stalking is guilty of a crime
4 as follows:

5 (a) Except as provided in subdivision (b), a ~~misdemeanor~~
6 ~~punishable by~~ **felony, and the court shall sentence the person to**
7 imprisonment for not ~~more~~ **less** than ~~1 year~~ **2 years and 6 months** or
8 **more than life or any term of years and may impose** a fine of not
9 more than \$1,000.00, or both.

10 (b) If the victim was less than 18 years of age at any time
11 during the individual's course of conduct and the individual is 5
12 or more years older than the victim, a felony ~~punishable by~~ **and the**
13 **court shall sentence the person to** imprisonment for not ~~more~~ **less**
14 than 5 years or **more than life or any term of years and may impose**
15 a fine of not more than \$10,000.00, or both.

16 (c) If the victim and the individual are spouses or former
17 spouses, have or have had a dating relationship, have or have had a
18 child in common, or are residents or former residents of the same
19 household, a misdemeanor punishable by imprisonment for not more
20 than 1 year or a fine of not more than \$1,000.00, or both.

21 ~~(3) The court may place an individual convicted of violating~~
22 ~~this section on probation for a term of not more than 5 years. If a~~
23 ~~term of probation is ordered, the court may, in addition to any~~
24 ~~other lawful condition of probation, order the defendant to do any~~
25 ~~of the following:~~

26 ~~(a) Refrain from stalking any individual during the term of~~
27 ~~probation.~~

28 ~~(b) Refrain from having any contact with the victim of the~~
29 ~~offense.~~

1 ~~(c) Be evaluated to determine the need for psychiatric,~~
2 ~~psychological, or social counseling and if, determined appropriate~~
3 ~~by the court, to receive psychiatric, psychological, or social~~
4 ~~counseling at the individual's own expense.~~

5 **(3)** ~~(4)~~—In a prosecution for a violation of this section,
6 evidence that the defendant continued to engage in a course of
7 conduct involving repeated unconsented contact with the victim
8 after having been requested by the victim to discontinue the same
9 or a different form of unconsented contact, and to refrain from any
10 further unconsented contact with the victim, gives rise to a
11 rebuttable presumption that the continuation of the course of
12 conduct caused the victim to feel terrorized, frightened,
13 intimidated, threatened, harassed, or molested.

14 **(4)** ~~(5)~~—A criminal penalty provided for under this section may
15 be imposed in addition to any penalty that may be imposed for any
16 other criminal offense arising from the same conduct or for any
17 contempt of court arising from the same conduct.

18 Sec. 411i. (1) As used in this section:

19 (a) "Course of conduct" means a pattern of conduct composed of
20 a series of 2 or more separate noncontinuous acts evidencing a
21 continuity of purpose.

22 (b) "Credible threat" means a threat to kill another
23 individual or a threat to inflict physical injury upon another
24 individual that is made in any manner or in any context that causes
25 the individual hearing or receiving the threat to reasonably fear
26 for his or her safety or the safety of another individual.

27 (c) "Emotional distress" means significant mental suffering or
28 distress that may, but does not necessarily, require medical or
29 other professional treatment or counseling.

1 (d) "Harassment" means conduct directed toward a victim that
2 includes, but is not limited to, repeated or continuing unconsented
3 contact that would cause a reasonable individual to suffer
4 emotional distress and that actually causes the victim to suffer
5 emotional distress. Harassment does not include constitutionally
6 protected activity or conduct that serves a legitimate purpose.

7 (e) "Stalking" means a willful course of conduct involving
8 repeated or continuing harassment of another individual that would
9 cause a reasonable person to feel terrorized, frightened,
10 intimidated, threatened, harassed, or molested and that actually
11 causes the victim to feel terrorized, frightened, intimidated,
12 threatened, harassed, or molested.

13 (f) "Unconsented contact" means any contact with another
14 individual that is initiated or continued without that individual's
15 consent or in disregard of that individual's expressed desire that
16 the contact be avoided or discontinued. Unconsented contact
17 includes, but is not limited to, any of the following:

18 (i) Following or appearing within the sight of that individual.

19 (ii) Approaching or confronting that individual in a public
20 place or on private property.

21 (iii) Appearing at that individual's workplace or residence.

22 (iv) Entering onto or remaining on property owned, leased, or
23 occupied by that individual.

24 (v) Contacting that individual by telephone.

25 (vi) Sending mail or electronic communications to that
26 individual.

27 (vii) Placing an object on, or delivering an object to,
28 property owned, leased, or occupied by that individual.

29 (g) "Victim" means an individual who is the target of a

1 willful course of conduct involving repeated or continuing
2 harassment.

3 (2) An individual who engages in stalking is guilty of
4 aggravated stalking if the violation involves any of the following
5 circumstances:

6 (a) At least 1 of the actions constituting the offense is in
7 violation of a restraining order and the individual has received
8 actual notice of that restraining order or at least 1 of the
9 actions is in violation of an injunction or preliminary injunction.

10 (b) At least 1 of the actions constituting the offense is in
11 violation of a condition of probation, a condition of parole, a
12 condition of pretrial release, or a condition of release on bond
13 pending appeal.

14 (c) The course of conduct includes the making of 1 or more
15 credible threats against the victim, a member of the victim's
16 family, or another individual living in the same household as the
17 victim.

18 (d) The individual has been previously convicted of a
19 violation of this section or section 411h.

20 (3) Aggravated stalking is a felony. ~~punishable as follows:~~

21 ~~(a) Except as provided in subdivision (b), by~~ **The court shall**
22 **sentence the person to** imprisonment for not ~~more~~ **less** than 5 years
23 or **more than life or any term of years and may impose** a fine of not
24 more than \$10,000.00, or both.

25 ~~(b) If the victim was less than 18 years of age at any time~~
26 ~~during the individual's course of conduct and the individual is 5~~
27 ~~or more years older than the victim, by imprisonment for not more~~
28 ~~than 10 years or a fine of not more than \$15,000.00, or both.~~

29 ~~(4) The court may place an individual convicted of violating~~

1 ~~this section on probation for any term of years, but not less than~~
 2 ~~5 years. If a term of probation is ordered, the court may, in~~
 3 ~~addition to any other lawful condition of probation, order the~~
 4 ~~defendant to do any of the following:~~

5 ~~(a) Refrain from stalking any individual during the term of~~
 6 ~~probation.~~

7 ~~(b) Refrain from any contact with the victim of the offense.~~

8 ~~(c) Be evaluated to determine the need for psychiatric,~~
 9 ~~psychological, or social counseling and, if determined appropriate~~
 10 ~~by the court, to receive psychiatric, psychological, or social~~
 11 ~~counseling at his or her own expense.~~

12 **(4)** ~~(5)~~—In a prosecution for a violation of this section,
 13 evidence that the defendant continued to engage in a course of
 14 conduct involving repeated unconsented contact with the victim
 15 after having been requested by the victim to discontinue the same
 16 or a different form of unconsented contact, and to refrain from any
 17 further unconsented contact with the victim, gives rise to a
 18 rebuttable presumption that the continuation of the course of
 19 conduct caused the victim to feel terrorized, frightened,
 20 intimidated, threatened, harassed, or molested.

21 **(5)** ~~(6)~~—A criminal penalty provided for under this section may
 22 be imposed in addition to any penalty that may be imposed for any
 23 other criminal offense arising from the same conduct or for
 24 contempt of court arising from the same conduct.

25 Sec. 411u. (1) If a person who is an associate or a member of
 26 a gang commits a felony or attempts to commit a felony and the
 27 person's association or membership in the gang provides the motive,
 28 means, or opportunity to commit the felony, the person is guilty of
 29 a felony. ~~punishable by~~ **The court shall sentence the person to**

1 imprisonment for not ~~more~~**less** than ~~20~~**10** years **or more than life**
2 **or any term of years**. As used in this section:

3 (a) "Gang" means an ongoing organization, association, or
4 group of 5 or more people, other than a nonprofit organization,
5 that identifies itself by all of the following:

6 (i) A unifying mark, manner, protocol, or method of expressing
7 membership, including a common name, sign or symbol, means of
8 recognition, geographical or territorial sites, or boundary or
9 location.

10 (ii) An established leadership or command structure.

11 (iii) Defined membership criteria.

12 (b) "Gang member" or "member of a gang" means a person who
13 belongs to a gang.

14 (2) A sentence imposed under this section is in addition to
15 the sentence imposed for the conviction of the underlying felony or
16 the attempt to commit the underlying felony and may be served
17 consecutively with and preceding any term of imprisonment imposed
18 for the conviction of the felony or attempt to commit the felony.

19 Sec. 451. (1) Except as otherwise provided in this section, a
20 person convicted of violating section 448, 449, 449a(1), 450, or
21 462 is guilty of a misdemeanor punishable by imprisonment for not
22 more than 93 days or a fine of not more than \$500.00, or both.

23 (2) A person 16 years of age or older who is convicted of
24 violating section 448, 449, 449a(1), 450, or 462 and who has 1
25 prior conviction is guilty of a misdemeanor punishable by
26 imprisonment for not more than 1 year or a fine of not more than
27 \$1,000.00, or both.

28 (3) A person convicted of violating section 448, 449, 449a(1),
29 450, or 462 and who has 2 or more prior convictions is guilty of a

1 felony punishable by imprisonment for not more than 2 years or a
2 fine of not more than \$2,000.00, or both.

3 (4) A person convicted of violating section 449a(2) is guilty
4 of a felony. ~~punishable by~~ **The court shall sentence the person to**
5 imprisonment for not ~~more~~-**less** than ~~5~~-**20** years or **more than life or**
6 **any term of years and may impose** a fine of not more than
7 \$10,000.00, or both.

8 (5) If the prosecuting attorney intends to seek an enhanced
9 sentence based upon the defendant having 1 or more prior
10 convictions, the prosecuting attorney shall include on the
11 complaint and information a statement listing the prior conviction
12 or convictions. The existence of the defendant's prior conviction
13 or convictions shall be determined by the court, without a jury, at
14 sentencing or at a separate hearing for that purpose before
15 sentencing. The existence of a prior conviction may be established
16 by any evidence relevant for that purpose, including, but not
17 limited to, 1 or more of the following:

- 18 (a) A copy of the judgment of conviction.
19 (b) A transcript of a prior trial, plea-taking, or sentencing.
20 (c) Information contained in a presentence report.
21 (d) The defendant's statement.

22 (6) In any prosecution of a person under 18 years of age for
23 an offense punishable under this section or a local ordinance
24 substantially corresponding to an offense punishable under this
25 section, it shall be presumed that the person under 18 years of age
26 was coerced into child sexually abusive activity or commercial
27 sexual activity in violation of section 462e or otherwise forced or
28 coerced into committing that offense by another person engaged in
29 human trafficking in violation of sections 462a to 462h. The

1 prosecution may overcome this presumption by proving beyond a
2 reasonable doubt that the person was not forced or coerced into
3 committing the offense. The state may petition the court to find
4 the person under 18 years of age to be dependent and in danger of
5 substantial physical or psychological harm under section 2(b)(3) of
6 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.
7 A person under 18 years of age who fails to substantially comply
8 with court-ordered services under section 2(b)(3) of chapter XIIA
9 of the probate code of 1939, 1939 PA 288, MCL 712A.2, is not
10 eligible for the presumption under this section.

11 (7) Excluding any reasonable period of detention for
12 investigation purposes, a law enforcement officer who encounters a
13 person under 18 years of age engaging in any conduct that would be
14 a violation of section 448, 449, 450, or 462, or a local ordinance
15 substantially corresponding to section 448, 449, 450, or 462, if
16 engaged in by a person 16 years of age or over shall immediately
17 report to the department of health and human services a suspected
18 violation of human trafficking involving a person under 18 years of
19 age in violation of sections 462a to 462h.

20 (8) The department of health and human services shall begin an
21 investigation of a human trafficking violation reported to the
22 department of health and human services under subsection (7) within
23 24 hours after the report is made to the department of health and
24 human services, as provided in section 8 of the child protection
25 law, 1975 PA 238, MCL 722.628. The investigation shall include a
26 determination as to whether the person under 18 years of age is
27 dependent and in danger of substantial physical or psychological
28 harm under section 2(b)(3) of chapter XIIA of the probate code of
29 1939, 1939 PA 288, MCL 712A.2.

1 (9) As used in this section, "prior conviction" means a
2 violation of section 448, 449, 449a(1), 450, or 462 or a violation
3 of a law of another state or of a political subdivision of this
4 state or another state substantially corresponding to section 448,
5 449, 449a(1), 450, or 462.

6 Sec. 459. (1) A person shall not knowingly transport or cause
7 to be transported, or aid or assist in obtaining transportation
8 for, by any means of conveyance, into, through, or across this
9 state, any person for the purpose of prostitution or with the
10 intent and purpose to induce, entice, or compel that person to
11 become a prostitute. A person who violates this subsection is
12 guilty of a felony. ~~punishable by~~ **The court shall sentence the**
13 **person to** imprisonment for not **less than 10 years or** more than ~~20~~
14 **life or any term of** years ~~or~~ **and may impose** a fine of not more than
15 \$20,000.00, or both.

16 (2) A person shall not knowingly sell or offer to sell travel
17 services that include or facilitate travel for the purpose of
18 engaging in what would be a violation of this chapter, concerning
19 prostitution, or of chapter LXVIIA, concerning human trafficking,
20 if the violation occurred in this state. Except as provided in
21 subsection (3), a person who violates this subsection is guilty of
22 a felony punishable by imprisonment for not more than 5 years or a
23 fine of not more than \$10,000.00, or both.

24 (3) If a person violates subsection (2) and the violation
25 involves conduct against a minor, the person is guilty of a felony
26 punishable by imprisonment for not more than 10 years or a fine of
27 not more than \$15,000.00, or both.

28 (4) A person who violates this section may be prosecuted,
29 indicted, tried, and convicted in any county or city in or through

1 which he or she shall transport or attempt to transport any person
2 in violation of this section.

3 (5) As used in this section, "travel services" means
4 transportation by air, sea, or ground, hotel or other lodging
5 accommodations, package tours, or the provision of vouchers or
6 coupons to be redeemed for future travel, or accommodations for a
7 fee, commission, or other valuable consideration.

8 Sec. 479. (1) A person shall not knowingly and willfully do
9 any of the following:

10 (a) Assault, batter, wound, obstruct, or endanger a medical
11 examiner, township treasurer, judge, magistrate, probation officer,
12 parole officer, prosecutor, city attorney, court employee, court
13 officer, or other officer or duly authorized person serving or
14 attempting to serve or execute any process, rule, or order made or
15 issued by lawful authority or otherwise acting in the performance
16 of his or her duties.

17 (b) Assault, batter, wound, obstruct, or endanger an officer
18 enforcing an ordinance, law, rule, order, or resolution of the
19 common council of a city board of trustees, the common council or
20 village council of an incorporated village, or a township board of
21 a township.

22 (2) Except as provided in subsections (3), (4), and (5), a
23 person who violates this section is guilty of a felony. ~~punishable~~
24 ~~by~~ **The court shall sentence the person to** imprisonment for not **less**
25 **than 1 year and 6 months or** more than ~~2~~ **life or any term of** years
26 ~~or~~ **and may impose** a fine of not more than \$2,000.00, or both.

27 (3) A person who violates this section and by that violation
28 causes a bodily injury requiring medical attention or medical care
29 to an individual described in this section is guilty of a felony

1 punishable by imprisonment for not more than 4 years or a fine of
2 not more than \$5,000.00, or both.

3 (4) A person who violates this section and by that violation
4 causes serious impairment of a body function of an individual
5 described in this section is guilty of a felony punishable by
6 imprisonment for not more than 10 years or a fine of not more than
7 \$10,000.00, or both.

8 (5) A person who violates this section and by that violation
9 causes the death of an individual described in this section is
10 guilty of a felony punishable by imprisonment for not more than 20
11 years or a fine of not more than \$20,000.00, or both.

12 (6) This section does not prohibit an individual from being
13 charged with, convicted of, or punished for any other violation of
14 law that is committed by that individual while violating this
15 section.

16 (7) The court may order a term of imprisonment for a violation
17 of this section to be served consecutively to any other term of
18 imprisonment imposed for a violation arising out of the same
19 criminal transaction as the violation of this section.

20 (8) As used in this section:

21 (a) "Obstruct" includes the use or threatened use of physical
22 interference or force or a knowing failure to comply with a lawful
23 command.

24 (b) "Serious impairment of a body function" means that term as
25 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
26 MCL 257.58c.

27 Sec. 479a. (1) An operator of a motor vehicle or vessel who is
28 given by hand, voice, emergency light, or siren a visual or audible
29 signal by a police or conservation officer, acting in the lawful

1 performance of his or her duty, directing the operator to bring his
 2 or her motor vehicle or vessel to a stop shall not willfully fail
 3 to obey that direction by increasing the speed of the vehicle or
 4 vessel, extinguishing the lights of the vehicle or vessel, or
 5 otherwise attempting to flee or elude the police or conservation
 6 officer. This subsection does not apply unless the police or
 7 conservation officer giving the signal is in uniform and the
 8 officer's vehicle or vessel is identified as an official police or
 9 department of natural resources vehicle or vessel.

10 (2) Except as provided in subsection (3), (4), or (5), an
 11 individual who violates subsection (1) is guilty of fourth-degree
 12 fleeing and eluding, a felony, ~~punishable by~~ **and the court shall**
 13 **sentence the person to** imprisonment for not ~~more~~-**less** than 2 years
 14 or **more than life or any term of years and may impose** a fine of not
 15 more than \$2,000.00, or both.

16 (3) Except as provided in subsection (4) or (5), an individual
 17 who violates subsection (1) is guilty of third-degree fleeing and
 18 eluding, a felony, ~~punishable by~~ **and the court shall sentence the**
 19 **person to** imprisonment for not ~~more~~-**less** than ~~5~~-**4** years or **more**
 20 **than life or any term of years and may impose** a fine of not more
 21 than \$5,000.00, or both, if 1 or more of the following
 22 circumstances apply:

23 (a) The violation results in a collision or accident.

24 (b) For a motor vehicle, a portion of the violation occurred
 25 in an area where the speed limit is 35 miles an hour or less,
 26 whether that speed limit is posted or imposed as a matter of law
 27 or, for a vessel, a portion of the violation occurred in an area
 28 designated as "slow--no wake", "no wake", or "restricted" whether
 29 the area is posted or created by law or administrative rule.

1 (c) The individual has a prior conviction for fourth-degree
2 fleeing and eluding, attempted fourth-degree fleeing and eluding,
3 or fleeing and eluding under a current or former law of this state
4 prohibiting substantially similar conduct.

5 (4) Except as provided in subsection (5), an individual who
6 violates subsection (1) is guilty of second-degree fleeing and
7 eluding, a felony, ~~punishable by~~ **and the court shall sentence the**
8 **person to** imprisonment for not ~~more~~-**less** than ~~10~~-**6** years or **more**
9 **than life or any term of years and may impose** a fine of not more
10 than \$10,000.00, or both, if 1 or more of the following
11 circumstances apply:

12 (a) The violation results in serious impairment of a body
13 function of an individual.

14 (b) The individual has 1 or more prior convictions for first-,
15 second-, or third-degree fleeing and eluding, attempted first-,
16 second-, or third-degree fleeing and eluding, or fleeing and
17 eluding under a current or former law of this state prohibiting
18 substantially similar conduct.

19 (c) The individual has any combination of 2 or more prior
20 convictions for fourth-degree fleeing and eluding, attempted
21 fourth-degree fleeing and eluding, or fleeing and eluding under a
22 current or former law of this state prohibiting substantially
23 similar conduct.

24 (5) If the violation results in the death of another
25 individual, an individual who violates subsection (1) is guilty of
26 first-degree fleeing and eluding, a felony punishable by
27 imprisonment for not more than 15 years or a fine of not more than
28 \$15,000.00, or both.

29 (6) Upon a conviction for a violation or attempted violation

1 under subsection (2) or (3), the following apply:

2 (a) If the individual was operating a motor vehicle, the
3 secretary of state shall suspend the individual's operator's or
4 chauffeur's license as provided in section 319 of the Michigan
5 vehicle code, 1949 PA 300, MCL 257.319.

6 (b) If the individual was operating a vessel, the individual's
7 privilege to operate a vessel shall be suspended for a period not
8 to exceed 5 years.

9 (7) Upon a conviction for a violation or attempted violation
10 under subsection (4) or (5), the following apply:

11 (a) If the individual was operating a motor vehicle, the
12 secretary of state shall revoke the individual's operator's or
13 chauffeur's license as provided in section 303 of the Michigan
14 vehicle code, 1949 PA 300, MCL 257.303.

15 (b) If the individual was operating a vessel, the individual's
16 privilege to operate a vessel shall be revoked for a period of not
17 less than 5 years.

18 (8) Except as otherwise provided in this subsection, a
19 conviction under this section does not prohibit a conviction and
20 sentence under any other applicable provision for conduct arising
21 out of the same transaction. A conviction under subsection (2),
22 (3), (4), or (5) prohibits a conviction under section 602a of the
23 Michigan vehicle code, 1949 PA 300, MCL 257.602a, for conduct
24 arising out of the same transaction.

25 (9) As used in this section:

26 (a) "Prior conviction" means:

27 (i) For a violation of this section while operating a motor
28 vehicle, the person had a previous conviction for a violation of
29 this section while operating a motor vehicle or a previous

1 conviction for fleeing and eluding under a current or former law of
2 this state prohibiting substantially similar conduct while
3 operating a motor vehicle.

4 (ii) For a violation of this section while operating a vessel,
5 the person had a previous conviction for a violation of this
6 section while operating a vessel.

7 (b) "Serious impairment of a body function" means that term as
8 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
9 MCL 257.58c.

10 (c) "Vessel" means that term as defined in section 80104 of
11 the natural resources and environmental protection act, 1994 PA
12 451, MCL 324.80104.

13 (10) This section ~~shall~~ **may** be known ~~and may be cited~~ as the
14 "Lieutenant Donald Bezenah law".

15 Sec. 479b. (1) An individual who takes a weapon other than a
16 firearm from the lawful possession of a peace officer or a
17 corrections officer is guilty of a felony, ~~punishable by~~ **and the**
18 **court shall sentence the person to** imprisonment for not ~~more~~ **less**
19 than 4 years or **more than life or any term of years and may impose**
20 a fine of not more than \$2,500.00, or both, if all of the following
21 circumstances exist at the time the weapon is taken:

22 (a) The individual knows or has reason to believe the person
23 from whom the weapon is taken is a peace officer or a corrections
24 officer.

25 (b) The peace officer or corrections officer is performing his
26 or her duties as a peace officer or a corrections officer.

27 (c) The individual takes the weapon without consent of the
28 peace officer or corrections officer.

29 (d) The peace officer or corrections officer is authorized by

1 his or her employer to carry the weapon in the line of duty.

2 (2) An individual who takes a firearm from the lawful
3 possession of a peace officer or a corrections officer is guilty of
4 a felony, ~~punishable by~~ **and the court shall sentence the person to**
5 imprisonment for not ~~more~~ **less** than ~~10-4~~ years or **more than life or**
6 **any term of years and may impose** a fine of not more than \$5,000.00,
7 or both, if all of the following circumstances exist at the time
8 the firearm is taken:

9 (a) The individual knows or has reason to believe the person
10 from whom the firearm is taken is a peace officer or a corrections
11 officer.

12 (b) The peace officer or corrections officer is performing his
13 or her duties as a peace officer or a corrections officer.

14 (c) The individual takes the firearm without the consent of
15 the peace officer or corrections officer.

16 (d) The peace officer or corrections officer is authorized by
17 his or her employer to carry the firearm in the line of duty.

18 (3) This section does not prohibit an individual from being
19 charged with, convicted of, or punished for any other violation of
20 law that is committed by that individual while violating this
21 section.

22 (4) A term of imprisonment imposed for a violation of this
23 section may run consecutively to any term of imprisonment imposed
24 for another violation arising from the same transaction.

25 (5) As used in this section:

26 (a) "Corrections officer" means a prison or jail guard or
27 other employee of a jail or a state or federal correctional
28 facility, who performs duties involving the transportation, care,
29 custody, or supervision of prisoners.

1 (b) "Peace officer" means 1 or more of the following:

2 (i) A police officer of this state or a political subdivision
3 of this state.

4 (ii) A police officer of any entity of the United States.

5 (iii) The sheriff of a county of this state or the sheriff's
6 deputy.

7 (iv) A public safety officer of a college or university who is
8 authorized by the governing board of that college or university to
9 enforce state law and the rules and ordinances of that college or
10 university.

11 (v) A conservation officer of the department of natural
12 resources.

13 (vi) A conservation officer of the United States ~~department of~~
14 ~~interior.~~ **Department of the Interior.**

15 Sec. 483a. (1) A person shall not do any of the following:

16 (a) Withhold or refuse to produce any testimony, information,
17 document, or thing after the court has ordered it to be produced
18 following a hearing.

19 (b) Prevent or attempt to prevent through the unlawful use of
20 physical force another person from reporting a crime committed or
21 attempted by another person.

22 (c) Intentionally use the person's professional position of
23 authority over another person to prevent or attempt to prevent the
24 other person from reporting a crime listed in section 136b, 520b,
25 520c, 520d, 520e, or 520g, that is committed or attempted by
26 another person.

27 (d) Retaliate or attempt to retaliate against another person
28 for having reported or attempted to report a crime committed or
29 attempted by another person. As used in this subdivision,

1 "retaliate" means to do any of the following:

2 (i) Commit or attempt to commit a crime against any person.

3 (ii) Threaten to kill or injure any person or threaten to cause
4 property damage.

5 (2) A person who violates subsection (1) is guilty of a crime
6 as follows:

7 (a) Except as provided in subdivision (b), the person is
8 guilty of a misdemeanor punishable by imprisonment for not more
9 than 1 year or a fine of not more than \$1,000.00, or both.

10 (b) If the violation involves committing or attempting to
11 commit a crime or a threat to kill or injure any person or to cause
12 property damage, the person is guilty of a felony. ~~punishable by~~
13 **The court shall sentence the person to** imprisonment for ~~not more~~
14 ~~than 10~~ **5** years ~~or~~ **and may impose** a fine of not more than
15 \$20,000.00, or both.

16 (3) A person shall not do any of the following:

17 (a) Give, offer to give, or promise anything of value to any
18 person to influence a person's statement to a police officer
19 conducting a lawful investigation of a crime or the presentation of
20 evidence to a police officer conducting a lawful investigation of a
21 crime.

22 (b) Threaten or intimidate any person to influence a person's
23 statement to a police officer conducting a lawful investigation of
24 a crime or the presentation of evidence to a police officer
25 conducting a lawful investigation of a crime.

26 (4) A person who violates subsection (3) is guilty of a crime
27 as follows:

28 (a) Except as provided in subdivision (b), the person is
29 guilty of a misdemeanor punishable by imprisonment for not more

1 than 1 year or a fine of not more than \$1,000.00, or both.

2 (b) If the violation involves committing or attempting to
3 commit a crime or a threat to kill or injure any person or to cause
4 property damage, the person is guilty of a felony punishable by
5 imprisonment for not more than 10 years or a fine of not more than
6 \$20,000.00, or both.

7 (5) A person shall not do any of the following:

8 (a) Knowingly and intentionally remove, alter, conceal,
9 destroy, or otherwise tamper with evidence to be offered in a
10 present or future official proceeding.

11 (b) Offer evidence at an official proceeding that the person
12 recklessly disregards as false.

13 (6) A person who violates subsection (5) is guilty of a crime
14 as follows:

15 (a) Except as provided in subdivision (b), the person is
16 guilty of a felony, ~~punishable by~~ **and the court shall sentence the**
17 **person to** imprisonment for ~~not more than 4-2~~ **years or** ~~and 6 months~~
18 **and may impose** a fine of not more than \$5,000.00, or both.

19 (b) If the violation is committed in a criminal case for which
20 the maximum term of imprisonment for the violation is more than 10
21 years, or the violation is punishable by imprisonment for life or
22 any term of years, the person is guilty of a felony, ~~punishable by~~
23 **and the court shall sentence the person to** imprisonment for not
24 ~~more~~ **less** than 10 years or **more than life or any term of years and**
25 **may impose** a fine of not more than \$20,000.00, or both.

26 (7) It is an affirmative defense under subsection (3), for
27 which the defendant has the burden of proof by a preponderance of
28 the evidence, that the conduct consisted solely of lawful conduct
29 and that the defendant's sole intention was to encourage, induce,

1 or cause the other person to provide a statement or evidence
2 truthfully.

3 (8) Subsections (1) (a), (3) (b), and (5) (b) do not apply to any
4 of the following:

5 (a) The lawful conduct of an attorney in the performance of
6 the attorney's duties, such as advising a client.

7 (b) The lawful conduct or communications of a person as
8 permitted by statute or other lawful privilege.

9 (9) This section does not prohibit a person from being charged
10 with, convicted of, or punished for any other violation of law
11 arising out of the same transaction as the violation of this
12 section.

13 (10) The court may order a term of imprisonment imposed for a
14 violation of this section to be served consecutively to a term of
15 imprisonment imposed for any other crime including any other
16 violation of law arising out of the same transaction as the
17 violation of this section.

18 (11) As used in this section:

19 (a) "Official proceeding" means a proceeding heard before a
20 legislative, judicial, administrative, or other governmental agency
21 or official authorized to hear evidence under oath, including a
22 referee, prosecuting attorney, hearing examiner, commissioner,
23 notary, or other person taking testimony or deposition in that
24 proceeding.

25 (b) "Threaten or intimidate" does not mean a communication
26 regarding the otherwise lawful access to courts or other branches
27 of government, such as the lawful filing of any civil action or
28 police report of which the purpose is not to harass the other
29 person in violation of section 2907 of the revised judicature act

1 of 1961, 1961 PA 236, MCL 600.2907.

2 Sec. 520b. (1) A person is guilty of criminal sexual conduct
3 in the first degree if he or she engages in sexual penetration with
4 another person and if any of the following circumstances

5 ~~exists:~~**exist:**

6 (a) That other person is under 13 years of age.

7 (b) That other person is at least 13 but less than 16 years of
8 age and any of the following:

9 (i) The actor is a member of the same household as the victim.

10 (ii) The actor is related to the victim by blood or affinity to
11 the fourth degree.

12 (iii) The actor is in a position of authority over the victim
13 and used this authority to coerce the victim to submit.

14 (iv) The actor is a teacher, substitute teacher, or
15 administrator of the public school, nonpublic school, school
16 district, or intermediate school district in which that other
17 person is enrolled.

18 (v) The actor is an employee or a contractual service provider
19 of the public school, nonpublic school, school district, or
20 intermediate school district in which that other person is
21 enrolled, or is a volunteer who is not a student in any public
22 school or nonpublic school, or is an employee of this state or of a
23 local unit of government of this state or of the United States
24 assigned to provide any service to that public school, nonpublic
25 school, school district, or intermediate school district, and the
26 actor uses his or her employee, contractual, or volunteer status to
27 gain access to, or to establish a relationship with, that other
28 person.

29 (vi) The actor is an employee, contractual service provider, or

1 volunteer of a child care organization, or a person licensed to
2 operate a foster family home or a foster family group home in which
3 that other person is a resident, and the sexual penetration occurs
4 during the period of that other person's residency. As used in this
5 subparagraph, "child care organization", "foster family home", and
6 "foster family group home" mean those terms as defined in section 1
7 of 1973 PA 116, MCL 722.111.

8 (c) Sexual penetration occurs under circumstances involving
9 the commission of any other felony.

10 (d) The actor is aided or abetted by 1 or more other persons
11 and either of the following circumstances exists:

12 (i) The actor knows or has reason to know that the victim is
13 mentally incapable, mentally incapacitated, or physically helpless.

14 (ii) The actor uses force or coercion to accomplish the sexual
15 penetration. Force or coercion includes, but is not limited to, any
16 of the circumstances listed in subdivision (f).

17 (e) The actor is armed with a weapon or any article used or
18 fashioned in a manner to lead the victim to reasonably believe it
19 to be a weapon.

20 (f) The actor causes personal injury to the victim and force
21 or coercion is used to accomplish sexual penetration. Force or
22 coercion includes, but is not limited to, any of the following
23 circumstances:

24 (i) When the actor overcomes the victim through the actual
25 application of physical force or physical violence.

26 (ii) When the actor coerces the victim to submit by threatening
27 to use force or violence on the victim, and the victim believes
28 that the actor has the present ability to execute these threats.

29 (iii) When the actor coerces the victim to submit by threatening

1 to retaliate in the future against the victim, or any other person,
2 and the victim believes that the actor has the ability to execute
3 this threat. As used in this subdivision, "to retaliate" includes
4 threats of physical punishment, kidnapping, or extortion.

5 (iv) When the actor engages in the medical treatment or
6 examination of the victim in a manner or for purposes that are
7 medically recognized as unethical or unacceptable.

8 (v) When the actor, through concealment or by the element of
9 surprise, is able to overcome the victim.

10 (g) The actor causes personal injury to the victim, and the
11 actor knows or has reason to know that the victim is mentally
12 incapable, mentally incapacitated, or physically helpless.

13 (h) That other person is mentally incapable, mentally
14 disabled, mentally incapacitated, or physically helpless, and any
15 of the following:

16 (i) The actor is related to the victim by blood or affinity to
17 the fourth degree.

18 (ii) The actor is in a position of authority over the victim
19 and used this authority to coerce the victim to submit.

20 (2) Criminal sexual conduct in the first degree is a felony
21 punishable ~~as follows:~~

22 ~~(a) Except as provided in subdivisions (b) and (c), by~~
23 imprisonment for life or for any term of years, **but not less than**
24 **15 years.**

25 ~~(b) For a violation that is committed by an individual 17~~
26 ~~years of age or older against an individual less than 13 years of~~
27 ~~age by imprisonment for life or any term of years, but not less~~
28 ~~than 25 years.~~

29 ~~(c) For a violation that is committed by an individual 18~~

1 ~~years of age or older against an individual less than 13 years of~~
 2 ~~age, by imprisonment for life without the possibility of parole if~~
 3 ~~the person was previously convicted of a violation of this section~~
 4 ~~or section 520c, 520d, 520e, or 520g committed against an~~
 5 ~~individual less than 13 years of age or a violation of law of the~~
 6 ~~United States, another state or political subdivision substantially~~
 7 ~~corresponding to a violation of this section or section 520c, 520d,~~
 8 ~~520e, or 520g committed against an individual less than 13 years of~~
 9 ~~age.~~

10 (3) ~~(d)~~—In addition to any other penalty imposed under
 11 ~~subdivision (a) or (b),~~ **subsection (2)**, the court shall sentence
 12 the defendant to lifetime electronic monitoring under section 520n.

13 (4) ~~(3)~~—The court may order a term of imprisonment imposed
 14 under this section to be served consecutively to any term of
 15 imprisonment imposed for any other criminal offense arising from
 16 the same transaction.

17 Sec. 520c. (1) A person is guilty of criminal sexual conduct
 18 in the second degree if the person engages in sexual contact with
 19 another person and if any of the following circumstances
 20 ~~exists:~~**exist:**

21 (a) That other person is under 13 years of age.

22 (b) That other person is at least 13 but less than 16 years of
 23 age and any of the following:

24 (i) The actor is a member of the same household as the victim.

25 (ii) The actor is related by blood or affinity to the fourth
 26 degree to the victim.

27 (iii) The actor is in a position of authority over the victim
 28 and the actor used this authority to coerce the victim to submit.

29 (iv) The actor is a teacher, substitute teacher, or

1 administrator of the public school, nonpublic school, school
2 district, or intermediate school district in which that other
3 person is enrolled.

4 (v) The actor is an employee or a contractual service provider
5 of the public school, nonpublic school, school district, or
6 intermediate school district in which that other person is
7 enrolled, or is a volunteer who is not a student in any public
8 school or nonpublic school, or is an employee of this state or of a
9 local unit of government of this state or of the United States
10 assigned to provide any service to that public school, nonpublic
11 school, school district, or intermediate school district, and the
12 actor uses his or her employee, contractual, or volunteer status to
13 gain access to, or to establish a relationship with, that other
14 person.

15 (vi) The actor is an employee, contractual service provider, or
16 volunteer of a child care organization, or a person licensed to
17 operate a foster family home or a foster family group home in which
18 that other person is a resident and the sexual contact occurs
19 during the period of that other person's residency. As used in this
20 subdivision, "child care organization", "foster family home", and
21 "foster family group home" mean those terms as defined in section 1
22 of 1973 PA 116, MCL 722.111.

23 (c) Sexual contact occurs under circumstances involving the
24 commission of any other felony.

25 (d) The actor is aided or abetted by 1 or more other persons
26 and either of the following circumstances exists:

27 (i) The actor knows or has reason to know that the victim is
28 mentally incapable, mentally incapacitated, or physically helpless.

29 (ii) The actor uses force or coercion to accomplish the sexual

1 contact. Force or coercion includes, but is not limited to, any of
2 the circumstances listed in section 520b(1)(f).

3 (e) The actor is armed with a weapon, or any article used or
4 fashioned in a manner to lead a person to reasonably believe it to
5 be a weapon.

6 (f) The actor causes personal injury to the victim and force
7 or coercion is used to accomplish the sexual contact. Force or
8 coercion includes, but is not limited to, any of the circumstances
9 listed in section 520b(1)(f).

10 (g) The actor causes personal injury to the victim and the
11 actor knows or has reason to know that the victim is mentally
12 incapable, mentally incapacitated, or physically helpless.

13 (h) That other person is mentally incapable, mentally
14 disabled, mentally incapacitated, or physically helpless, and any
15 of the following:

16 (i) The actor is related to the victim by blood or affinity to
17 the fourth degree.

18 (ii) The actor is in a position of authority over the victim
19 and used this authority to coerce the victim to submit.

20 (i) That other person is under the jurisdiction of the
21 department of corrections and the actor is an employee or a
22 contractual employee of, or a volunteer with, the department of
23 corrections who knows that the other person is under the
24 jurisdiction of the department of corrections.

25 (j) That other person is under the jurisdiction of the
26 department of corrections and the actor is an employee or a
27 contractual employee of, or a volunteer with, a private vendor that
28 operates a youth correctional facility under section 20g of the
29 corrections code of 1953, 1953 PA 232, MCL 791.220g, who knows that

1 the other person is under the jurisdiction of the department of
2 corrections.

3 (k) That other person is a prisoner or probationer under the
4 jurisdiction of a county for purposes of imprisonment or a work
5 program or other probationary program and the actor is an employee
6 or a contractual employee of or a volunteer with the county or the
7 department of corrections who knows that the other person is under
8 the county's jurisdiction.

9 (l) The actor knows or has reason to know that a court has
10 detained the victim in a facility while the victim is awaiting a
11 trial or hearing, or committed the victim to a facility as a result
12 of the victim having been found responsible for committing an act
13 that would be a crime if committed by an adult, and the actor is an
14 employee or contractual employee of, or a volunteer with, the
15 facility in which the victim is detained or to which the victim was
16 committed.

17 (2) Criminal sexual conduct in the second degree is a felony
18 punishable ~~as follows:~~

19 ~~(a) By~~ **by** imprisonment for not ~~more~~ **less** than ~~15~~ **10** years **or**
20 **more than life or any term of years.**

21 **(3)** ~~(b)~~ In addition to the penalty specified in subdivision
22 (a), the court shall sentence the defendant to lifetime electronic
23 monitoring under section 520n if the violation involved sexual
24 contact committed by an individual 17 years of age or older against
25 an individual less than 13 years of age.

26 Sec. 520d. (1) A person is guilty of criminal sexual conduct
27 in the third degree if the person engages in sexual penetration
28 with another person and if any of the following circumstances
29 exist:

1 (a) That other person is at least 13 years of age and under 16
2 years of age.

3 (b) Force or coercion is used to accomplish the sexual
4 penetration. Force or coercion includes but is not limited to any
5 of the circumstances listed in section 520b(1)(f) (i) to (v).

6 (c) The actor knows or has reason to know that the victim is
7 mentally incapable, mentally incapacitated, or physically helpless.

8 (d) That other person is related to the actor by blood or
9 affinity to the third degree and the sexual penetration occurs
10 under circumstances not otherwise prohibited by this chapter. It is
11 an affirmative defense to a prosecution under this subdivision that
12 the other person was in a position of authority over the defendant
13 and used this authority to coerce the defendant to violate this
14 subdivision. The defendant has the burden of proving this defense
15 by a preponderance of the evidence. This subdivision does not apply
16 if both persons are lawfully married to each other at the time of
17 the alleged violation.

18 (e) That other person is at least 16 years of age but less
19 than 18 years of age and a student at a public school or nonpublic
20 school, and either of the following applies:

21 (i) The actor is a teacher, substitute teacher, or
22 administrator of that public school, nonpublic school, school
23 district, or intermediate school district. This subparagraph does
24 not apply if the other person is emancipated at the time of the
25 alleged violation.

26 (ii) The actor is an employee or a contractual service provider
27 of the public school, nonpublic school, school district, or
28 intermediate school district in which that other person is
29 enrolled, or is a volunteer who is not a student in any public

1 school or nonpublic school, or is an employee of this state or of a
2 local unit of government of this state or of the United States
3 assigned to provide any service to that public school, nonpublic
4 school, school district, or intermediate school district, and the
5 actor uses the actor's employee, contractual, or volunteer status
6 to gain access to, or to establish a relationship with, that other
7 person.

8 (f) That other person is at least 16 years old but less than
9 26 years of age and is receiving special education services, and
10 either of the following applies:

11 (i) The actor is a teacher, substitute teacher, administrator,
12 employee, or contractual service provider of the public school,
13 nonpublic school, school district, or intermediate school district
14 from which that other person receives the special education
15 services. This subparagraph does not apply if both persons are not
16 less than 18 years of age and were lawfully married to each other
17 at the time of the alleged violation.

18 (ii) The actor is a volunteer who is not a student in any
19 public school or nonpublic school, or is an employee of this state
20 or of a local unit of government of this state or of the United
21 States assigned to provide any service to that public school,
22 nonpublic school, school district, or intermediate school district,
23 and the actor uses the actor's employee, contractual, or volunteer
24 status to gain access to, or to establish a relationship with, that
25 other person.

26 (g) The actor is an employee, contractual service provider, or
27 volunteer of a child care organization, or a person licensed to
28 operate a foster family home or a foster family group home, in
29 which that other person is a resident, that other person is at

1 least 16 years of age, and the sexual penetration occurs during
2 that other person's residency. As used in this subdivision, "child
3 care organization", "foster family home", and "foster family group
4 home" mean those terms as defined in section 1 of 1973 PA 116, MCL
5 722.111.

6 (2) Criminal sexual conduct in the third degree is a felony
7 punishable by imprisonment for not ~~more~~**less** than ~~15~~**5** years **or**
8 **more than life or any term of years.**

9 Sec. 520e. (1) A person is guilty of criminal sexual conduct
10 in the fourth degree if the person engages in sexual contact with
11 another person and if any of the following circumstances exist:

12 (a) That other person is at least 13 years of age but less
13 than 16 years of age, and the actor is 5 or more years older than
14 that other person.

15 (b) Force or coercion is used to accomplish the sexual
16 contact. Force or coercion includes, but is not limited to, any of
17 the following circumstances:

18 (i) When the actor overcomes the victim through the actual
19 application of physical force or physical violence.

20 (ii) When the actor coerces the victim to submit by threatening
21 to use force or violence on the victim, and the victim believes
22 that the actor has the present ability to execute that threat.

23 (iii) When the actor coerces the victim to submit by threatening
24 to retaliate in the future against the victim, or any other person,
25 and the victim believes that the actor has the ability to execute
26 that threat. As used in this subparagraph, "to retaliate" includes
27 threats of physical punishment, kidnapping, or extortion.

28 (iv) When the actor engages in the medical treatment or
29 examination of the victim in a manner or for purposes which are

1 medically recognized as unethical or unacceptable.

2 (v) When the actor achieves the sexual contact through
3 concealment or by the element of surprise.

4 (c) The actor knows or has reason to know that the victim is
5 mentally incapable, mentally incapacitated, or physically helpless.

6 (d) That other person is related to the actor by blood or
7 affinity to the third degree and the sexual contact occurs under
8 circumstances not otherwise prohibited by this chapter. It is an
9 affirmative defense to a prosecution under this subdivision that
10 the other person was in a position of authority over the defendant
11 and used this authority to coerce the defendant to violate this
12 subdivision. The defendant has the burden of proving this defense
13 by a preponderance of the evidence. This subdivision does not apply
14 if both persons are lawfully married to each other at the time of
15 the alleged violation.

16 (e) The actor is a mental health professional and the sexual
17 contact occurs during or within 2 years after the period in which
18 the victim is the actor's client or patient and not the actor's
19 spouse. The consent of the victim is not a defense to a prosecution
20 under this subdivision. A prosecution under this subsection shall
21 not be used as evidence that the victim is mentally incompetent.

22 (f) That other person is at least 16 years of age but less
23 than 18 years of age and a student at a public school or nonpublic
24 school, and either of the following applies:

25 (i) The actor is a teacher, substitute teacher, or
26 administrator of that public school, nonpublic school, school
27 district, or intermediate school district. This subparagraph does
28 not apply if the other person is emancipated at the time of the
29 alleged violation.

1 (ii) The actor is an employee or a contractual service provider
2 of the public school, nonpublic school, school district, or
3 intermediate school district in which that other person is
4 enrolled, or is a volunteer who is not a student in any public
5 school or nonpublic school, or is an employee of this state or of a
6 local unit of government of this state or of the United States
7 assigned to provide any service to that public school, nonpublic
8 school, school district, or intermediate school district, and the
9 actor uses the actor's employee, contractual, or volunteer status
10 to gain access to, or to establish a relationship with, that other
11 person.

12 (g) That other person is at least 16 years old but less than
13 26 years of age and is receiving special education services, and
14 either of the following applies:

15 (i) The actor is a teacher, substitute teacher, administrator,
16 employee, or contractual service provider of the public school,
17 nonpublic school, school district, or intermediate school district
18 from which that other person receives the special education
19 services. This subparagraph does not apply if both persons are not
20 less than 18 years of age and were lawfully married to each other
21 at the time of the alleged violation.

22 (ii) The actor is a volunteer who is not a student in any
23 public school or nonpublic school, or is an employee of this state
24 or of a local unit of government of this state or of the United
25 States assigned to provide any service to that public school,
26 nonpublic school, school district, or intermediate school district,
27 and the actor uses the actor's employee, contractual, or volunteer
28 status to gain access to, or to establish a relationship with, that
29 other person.

1 (h) The actor is an employee, contractual service provider, or
 2 volunteer of a child care organization, or a person licensed to
 3 operate a foster family home or a foster family group home, in
 4 which that other person is a resident, that other person is at
 5 least 16 years of age, and the sexual contact occurs during that
 6 other person's residency. As used in this subdivision, "child care
 7 organization", "foster family home", and "foster family group home"
 8 mean those terms as defined in section 1 of 1973 PA 116, MCL
 9 722.111.

10 (2) Criminal sexual conduct in the fourth degree is a
 11 ~~misdemeanor~~**felony** punishable by imprisonment for not ~~more~~**less**
 12 than 2 years **and 6 months** or **more than life or any term of years**
 13 **and may impose** a fine of not more than \$500.00, or both.

14 Sec. 520g. (1) Assault with intent to commit criminal sexual
 15 conduct involving sexual penetration ~~shall be~~**is** a felony
 16 ~~punishable by~~**and the court shall sentence a person to** imprisonment
 17 for not ~~more~~**less** than ~~10~~**20** years **or more than life or any term of**
 18 **years.**

19 (2) Assault with intent to commit criminal sexual conduct in
 20 the second degree is a felony ~~punishable by~~**and the court shall**
 21 **sentence a person to** imprisonment for not ~~more~~**less** than ~~5~~**10** years
 22 **or more than life or any term of years.**

23 Sec. 529. (1) A person who engages in conduct proscribed under
 24 section 530 and who in the course of engaging in that conduct does
 25 any of the following is guilty of armed robbery:

26 (a) Possesses a dangerous weapon.

27 (b) Possesses an article used or fashioned in a manner that
 28 would cause a reasonable person to believe the article is a
 29 dangerous weapon.

1 (c) Represents orally or otherwise that he or she possesses a
2 dangerous weapon.

3 (2) A person who violates this section is guilty of a felony.
4 ~~punishable by~~ **The court shall sentence the person to** imprisonment
5 for **not less than 10 years or more than** life or for any term of
6 years.

7 ~~(3) If a violation of this section results in an aggravated~~
8 ~~assault of or serious injury to any other person, the person must~~
9 ~~be sentenced to a minimum term of imprisonment of not less than 2~~
10 ~~years.~~

11 Sec. 529a. (1) A person who in the course of committing a
12 larceny of a motor vehicle uses force or violence or the threat of
13 force or violence, or who puts in fear any operator, passenger, or
14 person in lawful possession of the motor vehicle, or any person
15 lawfully attempting to recover the motor vehicle, is guilty of
16 carjacking, a felony, ~~punishable by~~ **and the court shall sentence**
17 **the person to** imprisonment for **not less than 5 years or more than**
18 life or for any term of years.

19 (2) As used in this section, "in the course of committing a
20 larceny of a motor vehicle" includes acts that occur in an attempt
21 to commit the larceny, or during commission of the larceny, or in
22 flight or attempted flight after the commission of the larceny, or
23 in an attempt to retain possession of the motor vehicle.

24 (3) A sentence imposed for a violation of this section may be
25 imposed to run consecutively to any other sentence imposed for a
26 conviction that arises out of the same transaction.

27 Sec. 530. (1) A person who, in the course of committing a
28 larceny of any money or other property that may be the subject of
29 larceny, uses force or violence against any person who is present,

1 or who assaults or puts the person in fear, is guilty of a felony.
 2 ~~punishable by~~ **The court shall sentence the person to** imprisonment
 3 for not **less than 5 years or** more than ~~15 years.~~ **life or any term of**
 4 **years.**

5 (2) As used in this section, "in the course of committing a
 6 larceny" includes acts that occur in an attempt to commit the
 7 larceny, or during commission of the larceny, or in flight or
 8 attempted flight after the commission of the larceny, or in an
 9 attempt to retain possession of the property.

10 Sec. 531. ~~Bank, safe and vault robbery~~ ~~Any~~ **A** person who, with
 11 intent to commit the crime of larceny, or any felony, ~~shall~~
 12 ~~confine, maim, injure~~ **confines, maims, injures,** or ~~wound,~~ **wounds,**
 13 or ~~attempt,~~ **attempts** or ~~threaten~~ **threatens** to confine, kill, maim,
 14 injure, or wound, or ~~shall put~~ **who puts** in fear any person for the
 15 purpose of stealing from any building, bank, safe, or other
 16 depository of money, bond, or other valuables, or ~~shall~~ **who** by
 17 intimidation, fear, or threats ~~compel,~~ **compels** or ~~attempt~~ **attempts**
 18 to compel any person to disclose or surrender the means of opening
 19 any building, bank, safe, vault, or other depository of money,
 20 bonds, or other valuables, or ~~shall attempt~~ **who attempts** to break,
 21 burn, blow up, or otherwise injure or destroy any safe, vault, or
 22 other depository of money, bonds, or other valuables in any
 23 building or place, ~~shall,~~ **is,** whether ~~he~~ **the person** succeeds or
 24 fails in the perpetration of such larceny or felony, ~~be~~ guilty of a
 25 felony. ~~, punishable by~~ **The court shall sentence the person to**
 26 imprisonment ~~in the state prison~~ for **not less than 5 years or more**
 27 **than** life or any term of years.

28 Sec. 553. (1) Except as provided in subsection (2), an
 29 individual who occupies a building that is a single-family dwelling

1 or 1 or both units in a building that is a 2-family dwelling and
2 has not, at any time during that period of occupancy, occupied the
3 property with the owner's consent for an agreed-upon consideration
4 is guilty of a ~~crime as follows:~~

5 ~~(a) For a first offense, a misdemeanor punishable by a fine of~~
6 ~~not more than \$5,000.00 per dwelling unit occupied or imprisonment~~
7 ~~for not more than 180 days, or both.~~

8 ~~(b) For a second or subsequent offense, a felony, punishable~~
9 ~~by~~ **and the court shall sentence the person to imprisonment for not**
10 **less than 1 year or more than life or any term of years and may**
11 **impose** a fine of not more than \$10,000.00 per dwelling unit
12 occupied, ~~or imprisonment for not more than 2 years, or both.~~

13 (2) Subsection (1) does not apply to a guest or a family
14 member of the owner of the dwelling or of a tenant.

15 Enacting section 1. Section 145g of the Michigan penal code,
16 1931 PA 328, MCL 750.145g, is repealed.

17 Enacting section 2. This amendatory act takes effect 90 days
18 after the date it is enacted into law.