

Act No. 278
Public Acts of 2023
Approved by the Governor
December 7, 2023
Filed with the Secretary of State
December 8, 2023
EFFECTIVE DATE: February 13, 2024

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Puri, Arbit, Grant, MacDonell, Tsernoglou, Morgan, Wegela, Paiz, Churches, Glanville, McFall, Andrews, Rheingans, Mentzer, Farhat, Coffia, Martus, Breen, McKinney, Wilson, Skaggs, Steckloff, Rogers, Tyrone Carter, Byrnes, Price, Weiss, Brenda Carter, Miller, Hope, Hood, Hill, Brabec, Scott, Conlin, Dievendorf, Young, O'Neal, Neeley, Morse, Brixie, Fitzgerald, Edwards, Shannon, Aiyash and Whitsett

ENROLLED HOUSE BILL No. 4477

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2020 PA 50.

The People of the State of Michigan enact:

CHAPTER XVII

Sec. 16g. (1) This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.135	Person	D	Exposing children with intent to injure or abandon	10
750.135a(2)(c)	Person	D	Leaving child unattended in vehicle resulting in serious physical harm	10

750.135a(2)(d)	Person	B	Leaving child unattended in vehicle resulting in death	15
750.136	Person	B	Female genital mutilation violation	15
750.136a	Person	B	Transporting person for purpose of female genital mutilation	15
750.136b(2)	Person	A	First degree child abuse	Life
750.136b(4)(a)	Person	C	Second degree child abuse – first offense	10
750.136b(4)(b)	Person	B	Second degree child abuse – with prior conviction	20
750.136b(6)(a)	Person	G	Third degree child abuse – first offense	2
750.136b(6)(b)	Person	E	Third degree child abuse – with prior conviction	5
750.136b(8)(b)	Person	G	Fourth degree child abuse – with prior conviction	2
750.136c	Person	B	Buying or selling an individual	20
750.136d(1)(a)	Person	A	First degree child abuse in presence of another child	Life
750.136d(1)(b)	Person	D	Second degree child abuse in presence of another child – first offense	10
750.136d(1)(c)	Person	B	Second degree child abuse in presence of another child – second or subsequent offense	20
750.136d(1)(d)	Person	G	Third degree child abuse in presence of another child	2
750.145a	Person	F	Soliciting child to commit an immoral act	4
750.145b	Person	D	Accosting children for immoral purposes with prior conviction	10
750.145c(2)(a)	Person	B	Producing child sexually abusive activity or material	20
750.145c(2)(b)	Person	B	Aggravated producing of child sexually abusive activity or material	25
750.145c(3)(a)	Person	D	Distributing, promoting, or financing the distribution of child sexually abusive activity or material	7
750.145c(3)(b)	Person	C	Aggravated distributing, promoting, or financing the distribution of child sexually abusive activity or material	15
750.145c(4)(a)	Person	F	Possessing child sexually abusive material	4
750.145c(4)(b)	Person	B	Aggravated possession of child sexually abusive material	10
750.145d(2)(b)	Variable	G	Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 1 year but less than 2 years	2
750.145d(2)(c)	Variable	F	Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 2 years but less than 4 years	4
750.145d(2)(d)	Variable	D	Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 4 years but less than 10 years	10
750.145d(2)(e)	Variable	C	Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 10 years but less than 15 years	15
750.145d(2)(f)	Variable	B	Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 15 years or for life	20
750.145h(3)	Person	G	Causing vulnerable adult to provide sexually explicit visual material – second or subsequent offense	2
750.145n(1)	Person	C	First degree vulnerable adult abuse	15
750.145n(2)	Person	F	Second degree vulnerable adult abuse	4
750.145n(3)	Person	G	Third degree vulnerable adult abuse	2
750.145o	Person	E	Death of vulnerable adult caused by unlicensed caretaker	5

750.145p(1)	Person	G	Commingling funds of, obstructing investigation regarding, or filing false information regarding, vulnerable adult	2
750.145p(2)	Person	G	Retaliation or discrimination by caregiver against vulnerable adult	2
750.145p(5)	Person	E	Caregiver or licensee violation against vulnerable adult — second or subsequent offense	5
750.147b	Person	G	Ethnic intimidation	2
750.147c(2)	Property	D	Institutional desecration involving \$20,000 or more or with prior convictions	10
750.147c(3)	Property	E	Institutional desecration involving \$1,000 to \$20,000 or with prior convictions	5

(2) For a violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d, determine the offense category, offense variable level, and prior record variable level based on the underlying offense.

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 102nd Legislature are enacted into law:

- (a) House Bill No. 4320.
- (b) House Bill No. 4476.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor