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STATE OF MICHIGAN
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REGULAR SESSION OF 1998

Introduced by Rep. McNutt

Reps. Birkholz, Bodem, Brewer, Byl, Ciaramitaro, Crissman, Cropsey, DeVuyst, Fitzgerald, Geiger, Gernaat, Gilmer, Gire, Goschka, Jansen, Jelinek, Jellema, Johnson, Kukuk, London, Lowe, Mans, McBryde, Middaugh, Middleton, Nye, Oxender, Perricone, Profit, Raczkowski, Richner, Rocca, Sikkema and Voorhees named co-sponsors

ENROLLED HOUSE BILL No. 5419

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 sections 8, 10, 11, 12, 31, 33, and 34 of chapter IX and section 14 of chapter XI (MCL 769.8, 769.10, 769.11, 769.12, 769.31, 769.33, 769.34, and 771.14), section 8 of chapter IX as amended by 1994 PA 322, sections 10 and 11 of chapter IX as amended by 1988 PA 90, and section 12 of chapter IX and section 14 of chapter XI as amended and sections 31, 33, and 34 of chapter IX as added by 1994 PA 445, and by adding section 35 to chapter IX and adding chapter XVII.

The People of the State of Michigan enact:

CHAPTER IX

Sec. 8. (1) When a person is convicted for the first time for committing a felony and the punishment prescribed by law for that offense may be imprisonment in a state prison, the court imposing sentence shall not fix a definite term of imprisonment, but shall fix a minimum term, except as otherwise provided in this chapter. The maximum penalty provided by law shall be the maximum sentence in all cases except as provided in this chapter and shall be stated by the judge in imposing the sentence.

(2) Before or at the time of imposing sentence, the judge shall ascertain by examining the defendant under oath, or otherwise, and by other evidence as can be obtained tending to indicate briefly the causes of the defendant's criminal character or conduct, which facts and other facts that appear to be pertinent in the case the judge shall cause to be entered upon the minutes of the court.

Sec. 10. (1) If a person has been convicted of a felony or an attempt to commit a felony, whether the conviction occurred in this state or would have been for a felony or attempt to commit a felony in this state if obtained in this state, and that person commits a subsequent felony within this state, the person shall be punished upon conviction of the subsequent felony and sentencing under section 13 of this chapter as follows:

(a) If the subsequent felony is punishable upon a first conviction by imprisonment for a term less than life, the court, except as otherwise provided in this section or section 1 of chapter XI, may place the person on probation or sentence the person to imprisonment for a maximum term that is not more than 1-1/2 times the longest term prescribed for a first conviction of that offense or for a lesser term.

(b) If the subsequent felony is punishable upon a first conviction by imprisonment for life, the court, except as otherwise provided in this section or section 1 of chapter XI, may place the person on probation or sentence the person to imprisonment for life or for a lesser term.

(c) If the subsequent felony is a major controlled substance offense, the person shall be punished as provided by part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461.

(2) If the court pursuant to this section imposes a sentence of imprisonment for any term of years, the court shall fix the length of both the minimum and maximum sentence within any specified limits in terms of years or a fraction of a year and the sentence so imposed shall be considered an indeterminate sentence.

(3) A conviction shall not be used to enhance a sentence under this section if that conviction is used to enhance a sentence under a statute that prohibits use of the conviction for further enhancement under this section.

Sec. 11. (1) If a person has been convicted of any combination of 2 or more felonies or attempts to commit felonies, whether the convictions occurred in this state or would have been for felonies or attempts to commit felonies in this state if obtained in this state, and that person commits a subsequent felony within this state, the person shall be punished upon conviction of the subsequent felony and sentencing under section 13 of this chapter as follows:

(a) If the subsequent felony is punishable upon a first conviction by imprisonment for a term less than life, the court, except as otherwise provided in this section or section 1 of chapter XI, may sentence the person to imprisonment for a maximum term that is not more than twice the longest term prescribed by law for a first conviction of that offense or for a lesser term.

(b) If the subsequent felony is punishable upon a first conviction by imprisonment for life, the court, except as otherwise provided in this section or section 1 of chapter XI, may sentence the person to imprisonment for life or for a lesser term.

(c) If the subsequent felony is a major controlled substance offense, the person shall be punished as provided by part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461.

(2) If the court pursuant to this section imposes a sentence of imprisonment for any term of years, the court shall fix the length of both the minimum and maximum sentence within any specified limits in terms of years or a fraction of a year, and the sentence so imposed shall be considered an indeterminate sentence.

(3) A conviction shall not be used to enhance a sentence under this section if that conviction is used to enhance a sentence under a statute that prohibits use of the conviction for further enhancement under this section.

Sec. 12. (1) If a person has been convicted of any combination of 3 or more felonies or attempts to commit felonies, whether the convictions occurred in this state or would have been for felonies or attempts to commit felonies in this state if obtained in this state, and that person commits a subsequent felony within this state, the person shall be punished upon conviction of the subsequent felony and sentencing under section 13 of this chapter as follows:

(a) If the subsequent felony is punishable upon a first conviction by imprisonment for a maximum term of 5 years or more or for life, the court, except as otherwise provided in this section or section 1 of chapter XI, may sentence the person to imprisonment for life or for a lesser term.

(b) If the subsequent felony is punishable upon a first conviction by imprisonment for a maximum term that is less than 5 years, the court, except as otherwise provided in this section or section 1 of chapter XI, may sentence the person to imprisonment for a maximum term of not more than 15 years.

(c) If the subsequent felony is a major controlled substance offense, the person shall be punished as provided by part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461.

(2) If the court pursuant to this section imposes a sentence of imprisonment for any term of years, the court shall fix the length of both the minimum and maximum sentence within any specified limits in terms of years or a fraction of a year, and the sentence so imposed shall be considered an indeterminate sentence.

(3) A conviction shall not be used to enhance a sentence under this section if that conviction is used to enhance a sentence under a statute that prohibits use of the conviction for further enhancement under this section.

(4) An offender sentenced under this section or section 10 or 11 of this chapter for an offense other than a major controlled substance offense is not eligible for parole until expiration of the following:

(a) For a prisoner other than a prisoner subject to disciplinary time, the minimum term fixed by the sentencing judge at the time of sentence unless the sentencing judge or a successor gives written approval for parole at an earlier date authorized by law.

(b) For a prisoner subject to disciplinary time, the minimum term fixed by the sentencing judge.

(5) This section and sections 10 and 11 of this chapter are not in derogation of other provisions of law that permit or direct the imposition of a consecutive sentence for a subsequent felony.

(6) As used in this section, "prisoner subject to disciplinary time" means that term as defined in section 34 of 1893 PA 118, MCL 800.34.

Sec. 31. As used in this section and sections 32 to 34 of this chapter:

(a) "Commission" means the sentencing commission created in section 32 of this chapter.

(b) "Departure" means a sentence imposed that is not within the appropriate minimum sentence range established under the sentencing guidelines set forth in chapter XVII.

(c) "Intermediate sanction" means probation or any sanction, other than imprisonment in a state prison or state reformatory, that may lawfully be imposed. Intermediate sanction includes, but is not limited to, 1 or more of the following:

(i) Inpatient or outpatient drug treatment.

(ii) Probation with any probation conditions required or authorized by law.

(iii) Residential probation.

(iv) Probation with jail.

(v) Probation with special alternative incarceration.

(vi) Mental health treatment.

(vii) Mental health or substance abuse counseling.

(viii) Jail.

(ix) Jail with work or school release.

(x) Jail, with or without authorization for day parole under 1962 PA 60, MCL 801.251 to 801.258.

(xi) Participation in a community corrections program.

(xii) Community service.

(xiii) Payment of a fine.

(xiv) House arrest.

(xv) Electronic monitoring.

(d) "Offender characteristics" means only the prior criminal record of an offender.

(e) "Offense characteristics" means the elements of the crime and the aggravating and mitigating factors relating to the offense that the commission determines are appropriate and consistent with the criteria described in section 33(1)(e) of this chapter. For purposes of this subdivision, an offense described in section 33b of 1953 PA 232, MCL 791.233b, that resulted in a conviction and that arose out of the same transaction as the offense for which the sentencing guidelines are being scored shall be considered as an aggravating factor.

(f) "Prior criminal record" means all of the following:

(i) Misdemeanor and felony convictions.

(ii) Probation and parole violations involving criminal activity.

(iii) Dispositions entered under section 18 of chapter XIIA of 1939 PA 288, MCL 712A.18, for acts that would have been crimes if committed by an adult.

(iv) Assignment to youthful trainee status under sections 11 to 15 of chapter II.

(v) A conviction set aside under 1965 PA 213, MCL 780.621 to 780.624.

(vi) Dispositions described in subparagraph (iii) that have been set aside under section 18e of chapter XIIA of 1939 PA 288, MCL 712A.18e, or expunged.

(g) "Total capacity of state correctional facilities" means, at any given time, the capacities of all permanent and temporary state correctional facilities in use and all state correctional facilities approved for construction under the joint capital outlay process as of the preceding June 1.

Sec. 33. (1) The commission shall do all of the following:

(a) Collect, prepare, analyze, and disseminate information regarding state and local sentencing practices for felonies and the use of prisons and jails. The state court administrator shall continue to collect data regarding sentencing practices and shall provide the data necessary to the commission.

(b) Conduct on-going research regarding the impact of the sentencing guidelines set forth in chapter XVII.

(c) Collect, analyze, and compile data and make projections regarding the populations and capacities of state and local correctional facilities and the impact of the sentencing guidelines on those populations and capacities.

(d) In cooperation with the state court administrator, collect, analyze, and compile data regarding the effect of sentencing guidelines on the case load, docket flow, and case backlog of the trial and appellate courts of this state.

(e) Develop modifications to the sentencing guidelines as provided in subsection (4). Any modifications to the sentencing guidelines shall accomplish all of the following:

(i) Provide for protection of the public.

(ii) Consider an offense involving violence against a person as more severe than other offenses.

(iii) Be proportionate to the seriousness of the offense and the offender's prior criminal record.

(iv) Reduce sentencing disparities based on factors other than offense characteristics and offender characteristics and ensure that offenders with similar offense and offender characteristics receive substantially similar sentences.

(v) Specify the circumstances under which a term of imprisonment is proper and the circumstances under which intermediate sanctions are proper.

(vi) Establish sentence ranges for imprisonment that are within the minimum and maximum sentences allowed by law for the offenses to which the ranges apply.

(vii) Maintain separate sentence ranges for convictions under the habitual offender provisions in sections 10, 11, 12, and 13 of this chapter, which may include as an aggravating factor, among other relevant considerations, that the accused has engaged in a pattern of proven or admitted criminal behavior.

(viii) Establish sentence ranges the commission considers appropriate.

(2) In developing modifications to the sentencing guidelines, the commission shall consider the likelihood that the capacity of state and local correctional facilities will be exceeded. The commission shall submit to the legislature a prison impact report relating to any modifications to sentencing guidelines. The report shall include the projected impact on total capacity of state correctional facilities.

(3) Modifications to sentencing guidelines shall include recommended intermediate sanctions for each case in which the upper limit of the recommended minimum sentence range is 18 months or less.

(4) The commission may recommend modifications to the sentencing guidelines set forth in chapter XVII. Modifications of those sentencing guidelines shall not be recommended sooner than January 1, 2001 unless the modifications are based upon omissions, technical errors, changes in the law, or court decisions. Subsequent modifications shall not be recommended sooner than 2 years after previous modifications other than modifications based upon omissions, technical errors, changes in the law, or court decisions.

(5) The commission shall submit any recommended modifications to the sentencing guidelines to the secretary of the senate and the clerk of the house of representatives. If the legislature does not enact modifications to the sentencing guidelines within 60 days after introduction of a bill to enact sentencing guidelines modifications based on the recommendations, the commission shall revise the recommended modifications and submit them to the secretary of the senate and the clerk of the house of representatives within 90 days. The revised modifications are subject to the requirements of subsections (1), (2), and (3). Until the legislature enacts modifications to the sentencing guidelines into law, the commission shall continue to revise and resubmit the modifications to the legislature under the schedule provided in this subsection.

Sec. 34. (1) The sentencing guidelines promulgated by order of the Michigan supreme court shall not apply to felonies enumerated in part 2 of chapter XVII committed on or after January 1, 1999.

(2) Except as otherwise provided in this subsection or for a departure from the appropriate minimum sentence range provided for under subsection (3), the minimum sentence imposed by a court of this state for a felony enumerated in part 2 of chapter XVII committed on or after January 1, 1999 shall be within the appropriate sentence range under the

version of those sentencing guidelines in effect on the date the crime was committed. Both of the following apply to minimum sentences under this subsection:

(a) If a statute mandates a minimum sentence, the court shall impose sentence in accordance with that statute. Imposing a mandatory minimum sentence is not a departure under this section.

(b) The court shall not impose a minimum sentence, including a departure, that exceeds 2/3 of the statutory maximum sentence.

(3) A court may depart from the appropriate sentence range established under the sentencing guidelines set forth in chapter XVII if the court has a substantial and compelling reason for that departure and states on the record the reasons for departure. All of the following apply to a departure:

(a) The court shall not use an individual's gender, race, ethnicity, alienage, national origin, legal occupation, lack of employment, representation by appointed legal counsel, representation by retained legal counsel, appearance in propria persona, or religion to depart from the appropriate sentence range.

(b) The court shall not base a departure on an offense characteristic or offender characteristic already taken into account in determining the appropriate sentence range unless the court finds from the facts contained in the court record, including the presentence investigation report, that the characteristic has been given inadequate or disproportionate weight.

(4) Intermediate sanctions shall be imposed under this chapter as follows:

(a) If the upper limit of the recommended minimum sentence range for a defendant determined under the sentencing guidelines set forth in chapter XVII is 18 months or less, the court shall impose an intermediate sanction unless the court states on the record a substantial and compelling reason to sentence the individual to the jurisdiction of the department of corrections. An intermediate sanction may include a jail term that does not exceed the upper limit of the recommended minimum sentence range or 12 months, whichever is less.

(b) If the offense is a violation of section 7401(2)(a)(iv) or 7403(2)(a)(iv) of the public health code, 1978 PA 368, MCL 333.7401 and 333.7403, and the upper limit of the recommended minimum sentence range is 18 months or less, the court shall impose a sentence of life probation absent a departure.

(c) If an attempt to commit a felony designated in offense class H in part 2 of this chapter is punishable by imprisonment for more than 1 year, the court shall impose an intermediate sanction upon conviction of that offense absent a departure.

(d) If the upper limit of the recommended minimum sentence exceeds 18 months and the lower limit of the recommended minimum sentence is 12 months or less, the court shall sentence the offender as follows absent a departure:

(i) To imprisonment with a minimum term within that range.

(ii) To an intermediate sanction that may include a term of imprisonment of not less than the minimum range or more than 12 months.

(5) If a crime has a mandatory determinant penalty or a mandatory penalty of life imprisonment, the court shall impose that penalty. This section does not apply to sentencing for that crime.

(6) As part of the sentence, the court may also order the defendant to pay any combination of a fine, costs, or applicable assessments. The court shall order payment of restitution as provided by law.

(7) If the trial court imposes on a defendant a minimum sentence that is longer or more severe than the appropriate sentence range, as part of the court's advice of the defendant's rights concerning appeal, the court shall advise the defendant orally and in writing that he or she may appeal the sentence as provided by law on grounds that it is longer or more severe than the appropriate sentence range.

(8) All of the following shall be part of the record filed for an appeal of a sentence under this section:

(a) An entire record of the sentencing proceedings.

(b) The presentence investigation report. Any portion of the presentence investigation report exempt from disclosure by law shall not be a public record.

(c) Any other reports or documents the sentencing court used in imposing sentence.

(9) An appeal of a sentence under this section does not stay execution of the sentence.

(10) If a minimum sentence is within the appropriate guidelines sentence range, the court of appeals shall affirm that sentence and shall not remand for resentencing absent an error in scoring the sentencing guidelines or inaccurate information relied upon in determining the defendant's sentence. A party shall not raise on appeal an issue challenging the scoring of the sentencing guidelines or challenging the accuracy of information relied upon in determining a sentence that is within the appropriate guidelines sentence range unless the party has raised the issue at sentencing, in a proper motion for resentencing, or in a proper motion to remand filed in the court of appeals.

(11) If, upon a review of the record, the court of appeals finds the trial court did not have a substantial and compelling reason for departing from the appropriate sentence range, the court shall remand the matter to the sentencing judge or another trial court judge for resentencing under this chapter.

(12) Time served on the sentence appealed under this section is considered time served on any sentence imposed after remand.

Sec. 35. The department of corrections shall operate a jail reimbursement program that provides funding to counties for housing offenders in county jails who otherwise would have been sentenced to prison. The criteria for reimbursement, including but not limited to criteria for determining those offenders who otherwise would have been sentenced to prison, and the rate of reimbursement shall be established in the annual appropriations acts for the department of corrections.

CHAPTER XI

Sec. 14. (1) Before the court sentences a person charged with a felony or a person who is a licensee or registrant under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, as described in section 1(11) of chapter IX, and, if directed by the court, in any other case in which a person is charged with a misdemeanor within the jurisdiction of the court, the probation officer shall inquire into the antecedents, character, and circumstances of the person, and shall report in writing to the court.

(2) A presentence investigation report prepared under subsection (1) shall include all of the following:

(a) An evaluation of and a prognosis for the person's adjustment in the community based on factual information contained in the report.

(b) If requested by a victim, any written impact statement submitted by the victim under the crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834.

(c) A specific written recommendation for disposition based on the evaluation and other information as prescribed by the assistant director of the department of corrections in charge of probation.

(d) A statement prepared by the prosecuting attorney as to whether consecutive sentencing is required or authorized by law.

(e) For a person to be sentenced under the sentencing guidelines set forth in chapter XVII, all of the following:

(i) For each conviction entered, the sentence grid in part 6 of chapter XVII that contains the recommended minimum sentence ranges.

(ii) The computation that determines the recommended minimum sentence range for each conviction entered.

(iii) A specific statement as to the applicability of intermediate sanctions, as defined in section 31 of chapter IX.

(iv) The recommended sentence.

(f) If a person is to be sentenced for a felony or for a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance, a statement that the person is licensed or registered under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, if applicable.

(g) Diagnostic opinions that are available and not exempted from disclosure under subsection (3).

(3) The court may exempt from disclosure in the presentence investigation report information or a diagnostic opinion that might seriously disrupt a program of rehabilitation or sources of information obtained on a promise of confidentiality. If a part of the presentence investigation report is not disclosed, the court shall state on the record the reasons for its action and inform the defendant and his or her attorney that information has not been disclosed. The action of the court in exempting information from disclosure is subject to appellate review. Information or a diagnostic opinion exempted from disclosure pursuant to this subsection shall be specifically noted in the presentence investigation report.

(4) If a prepared presentence investigation report is amended or altered before sentencing by the supervisor of the probation officer who prepared the report or by any other person who has the authority to amend or alter a presentence investigation report, the probation officer may request that the court strike his or her name from the report and the court shall comply with that request.

(5) The court shall permit the prosecutor, the defendant's attorney, and the defendant to review the presentence investigation report before sentencing.

(6) At the time of sentencing, either party may challenge, on the record, the accuracy or relevancy of any information contained in the presentence investigation report. The court may order an adjournment to permit the parties to prepare a challenge or a response to a challenge. If the court finds on the record that the challenged information is inaccurate or irrelevant, that finding shall be made a part of the record, the presentence investigation report shall be amended, and the inaccurate or irrelevant information shall be stricken accordingly before the report is transmitted to the department of corrections.

(7) On appeal, the defendant's attorney, or the defendant if proceeding pro se, shall be provided with a copy of the presentence investigation report and any attachments to the report with the exception of any information exempted from disclosure by the court under subsection (3).

(8) If the person is committed to a state penal institution, a copy or amended copy of the presentence investigation report and, if a psychiatric examination of the person has been made for the court, a copy of the psychiatric report shall accompany the commitment papers. If the person is sentenced by fine or imprisonment or placed on probation or other disposition of his or her case is made by the court, a copy or amended copy of the presentence investigation report, including a psychiatric examination report made in the case, shall be filed with the department of corrections.

(9) A prisoner under the jurisdiction of the department of corrections shall be provided with a copy of any presentence investigation report in the department's possession about that prisoner, except for information exempted from disclosure under subsection (3), not less than 30 days before a parole interview is conducted under section 35 of 1953 PA 232, MCL 791.235.

CHAPTER XVII

PART 1

GENERAL PROVISIONS

Sec. 1. As used in this chapter:

(a) "Aircraft" means that term as defined in section 4 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.4.

(b) "Departure" means that term as defined in section 31 of chapter IX.

(c) "Homicide" means any crime in which the death of a human being is an element of that crime.

(d) "Intermediate sanction" means that term as defined in section 31 of chapter IX.

(e) "Vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.49.

Sec. 5. The offense categories are designated in part 2 of this chapter as follows:

(a) Crimes against a person are designated "person".

(b) Crimes against property are designated "property".

(c) Crimes involving a controlled substance are designated "CS".

(d) Crimes against public order are designated "pub ord".

(e) Crimes against public trust are designated "pub trst".

(f) Crimes against public safety are designated "pub saf".

Sec. 6. The offense descriptions in part 2 of this chapter are for assistance only and the statutes listed govern application of the sentencing guidelines.

PART 2

Sec. 11. This chapter applies to the following felonies enumerated in chapters 1 to 199 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
4.421(1)	Pub trst	G	Lobbyists—compensation contingent on outcome of action	3
4.421(2)	Pub trst	G	Lobbyists giving gifts	3
18.366(1)	Property	E	False presentation to crime victim services commission to obtain more than \$100	10
18.1268(9)	Pub trst	H	Purposefully submitting false business certification	Fine
21.154	Pub trst	E	Public officer—embezzlement	5
28.293(1)	Pub ord	E	False information when applying for state ID	5
28.293(2)	Pub ord	D	False information when applying for state ID—second offense	7
28.293(3)	Pub ord	C	False information when applying for state ID—third or subsequent offense	15
28.295(1)(a)	Pub ord	H	Forging state ID card to commit felony	4
28.295(3)	Property	H	Using stolen state ID card to commit felony	Variable
28.295a(1)	Pub ord	H	False representation to obtain or misuse personal information	4
28.295a(2)	Pub ord	G	False representation to obtain or misuse personal information—second offense	7

M.C.L.	Category	Class	Description	Stat Max
28.295a(3)	Pub ord	C	False representation to obtain or misuse personal information—third or subsequent offense	15
28.422	Pub saf	G	Pistols—license application forgery	4
28.729	Pub ord	G	Sex offenders—failure to register	4
35.929	Pub trst	H	Willful falsification in application for veterans benefits	3
35.980	Pub trst	H	False statement in application for Korean veterans benefits	3
35.1029	Pub trst	H	False statement in application for Vietnam veterans benefits	3
38.412a(1)	Pub trst	H	County employee providing answers to county civil service exam	1
38.516	Pub trst	H	Fire and police civil service—appointment or employment contrary to act	2
45.82	Pub trst	E	County purchasing agent—violations in awarding bids or contracts	5
47.8	Pub trst	H	Payment of claim against county before audit	2
47.56	Pub trst	H	Wayne County treasurer paying claims without appropriate signature	2
51.364	Pub trst	H	Appointment or selection contrary to civil service commission rules	2
110.28	Pub trst	G	Fourth class cities—misappropriation of money or property	3
117.25(3)	Pub trst	E	Amendment to city electors—willfully affixing another's signature, false rep	15
125.1447	Property	G	Michigan state housing development authority—false pretenses over \$100	10
168.731(4)	Pub trst	G	Election law—filing certain false statements	2
168.734	Pub trst	G	Election law—election board refusing to provide challenger conveniences	2
168.756	Pub trst	E	Elector's false statement concerning inability to mark ballot	5
168.757	Pub trst	E	Election inspector—unlawful conduct	5
168.759(8)	Pub trst	E	Forged signature on absentee ballot	5
168.759b	Pub trst	E	False statement in application for emergency absentee ballot	5
168.761(5)	Pub trst	E	Assisting an absentee voter in making a false statement	5
168.769(4)	Pub trst	E	Voting both in person and by absentee ballot	5
168.792a(11)	Pub trst	E	Disclosing how ballot voted or election results early before polls are closed	5
168.792a(16)	Pub trst	E	Disclosing election result or how ballot voted	5
168.808	Pub trst	E	Untrue statement by member of board of inspectors	4
168.873	Pub trst	E	Misconduct of election employee in recount—county and local	5
168.887	Pub trst	E	Misconduct of election employee in recount	5
168.932(a)	Pub trst	E	Bribing or intimidating voters	5
168.932(b)	Pub trst	E	Ballot tampering	5
168.932(c)	Pub trst	E	Destroying or falsifying election return or records	5
168.932(d)	Pub trst	E	Disclosing votes or obstructing voter	5
168.932(e)	Pub trst	E	Absentee ballot tampering	5
168.932(f)	Pub trst	E	Election law—possess absent voter ballot delivered to another person	5
168.932(g)	Pub trst	E	Suggesting how a disabled voter should vote	5
168.932(h)	Pub trst	E	Suggesting or influencing how an absentee voter should vote	5
168.932(i)	Pub trst	E	Organizing a meeting where absentee voter ballots are to be voted	5
168.932a	Pub trst	G	Election offenses	4
168.933	Pub trst	E	False swearing to register or vote	5
168.936	Pub trst	E	Election law—perjury	5
168.937	Pub trst	E	Election law—forgery	5
169.254	Pub trst	H	Campaign finance—corporate contributions	3
169.255	Pub trst	H	Campaign finance—corporate solicitation for certain funds	3
169.266	Pub trst	H	Campaign finance—qualified campaign expenditures	3

Sec. 12. This chapter applies to the following felonies enumerated in chapters 200 to 299 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
205.27(1)(a)	Pub trst	G	Failure to file or false tax return or payment	5
205.27(1)(b)	Pub trst	G	Aiding and abetting tax evasion or filing false returns	5
205.27(1)(c)	Pub trst	G	Making/permitting false tax returns or payments	5
205.27(3)	Pub trst	G	False tax returns/perjury	15
205.28	Pub trst	G	Compromising/unauthorized disclosure of tax information	5
205.28(1)(e)	Pub trst	G	State employee compromising taxes	5
205.28(1)(f)	Pub trst	G	Unauthorized disclosure of tax information	5
205.428(2)	Pub trst	G	Tobacco products tax act violations	5
207.118a	Pub ord	G	Gasoline tax—embezzlement over \$100	10
207.119	Pub trst	G	Gasoline or motor fuel tax violation	4
207.127c	Pub ord	G	Diesel fuel tax—embezzlement over \$100	10
207.754(3)	Pub trst	G	State treasurer—municipality tax—divulging confidential information	5
257.233a(7)	Pub ord	G	Odometer tampering	5
257.254	Property	E	Possessing stolen vehicle title	10
257.257(1)	Property	G	Altering or forging vehicle documents—first offense	5
257.257(2)	Property	G	Altering or forging vehicle documents—second offense	7
257.257(3)	Property	E	Altering or forging vehicle documents—third offense	15
257.329(1)	Property	G	Possession/sale of stolen or counterfeit insurance certificates	5
257.329(2)	Property	E	Possession/sale of stolen or counterfeit insurance certificates—second offense	7
257.329(3)	Property	E	Possession/sale of stolen or counterfeit insurance certificates—third offense	15
257.602a(2)	Pub saf	G	Fleeing and eluding—fourth degree	2
257.602a(3)	Pub saf	E	Fleeing and eluding—third degree	5
257.602a(4)	Person	D	Fleeing and eluding—second degree	10
257.602a(5)	Person	C	Fleeing and eluding—first degree	15
257.617	Person	E	Failure to stop at scene of a serious personal injury accident	5
257.625(4)	Person	C	OUIL—causing death	15
257.625(5)	Person	E	OUIL—causing serious impairment of body function	5
257.625(7)(d)	Pub saf	E	OUIL—third offense	5
257.625n(10)	Pub ord	G	Disposing of vehicle to avoid forfeiture	4
257.744a	Pub saf	D	False statement in citation—perjury	15
257.902	Pub saf	E	Motor vehicle code violations	5
257.903(1)	Property	E	Motor vehicle code—false certification—first offense	5
257.903(2)	Property	E	Motor vehicle code—false certification—second offense	7
257.903(3)	Property	D	Motor vehicle code—false certification—third offense	15
257.1353(2)	Pub trst	H	Motor vehicle—fail to record material matter—second offense	2
257.1354(2)	Pub trst	H	Motor vehicle—general violations—second offense	2
257.1355	Pub trst	H	Motor vehicle—fail to record transaction/falsify records	2
259.183	Property	E	Aircraft—unlawful taking or tampering	5
259.185(8)	Pub saf	G	Aircraft—OUIL—third offense	5
285.82	Pub trst	H	Grain dealers act violations	5
285.279	Pub trst	E	Falsely obtaining money—agricultural land	10
286.455(2)	Pub saf	G	Agriculture—hazardous substance	5
287.77(1)	Pub saf	H	Agriculture—livestock condemnation	4
287.323(1)	Person	C	Dangerous animal causing death	15
287.323(2)	Person	G	Dangerous animal causing serious injury	4
287.679	Pub ord	H	Dead animals	1
287.744(1)	Pub ord	G	Animal industry act violations	5
287.855	Pub saf	G	Agriculture—contaminating livestock/false statement/violation of quarantine	5
288.223	Pub saf	G	Sale or labeling of oleomargarine violations	3
288.257	Pub saf	G	Margarine violations	3
288.284	Pub trst	H	Selling falsely branded cheese	2
290.629(1)	Person	G	Weights and measures—assaults enforcement officer	2
290.631(3)	Pub trst	G	Weights and measures	5

M.C.L.	Category	Class	Description	Stat Max
290.650	Person	G	Motor fuels—assaulting/obstructing director or authorized representative	2
290.650b(3)	Pub trst	H	Motor fuels violations	2

Sec. 13. This chapter applies to the following felonies enumerated in chapters 300 to 399 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
324.1608	Person	G	Resisting and obstructing conservation officer	2
324.2157(3)	Property	H	State owned property—damages of \$1,000 or more	180 days
324.3115(2)	Pub saf	H	Waste discharge violations—second offense	2
324.5531(4)	Pub saf	H	Knowingly releasing pollutants	2
324.5531(5)	Pub saf	G	Knowingly releasing pollutants—causing death or serious bodily injury	6
324.5531(6)	Pub saf	C	Knowingly releasing pollutants—resulting in death or serious bodily injury	15
324.8905(2)	Pub saf	H	Infectious waste/pathological waste/sharps—littering violation	2
324.8905(3)	Pub saf	G	Infectious waste/pathological waste/sharps—littering violation—second offense	5
324.11151(2)	Pub saf	H	Hazardous waste violations—second or subsequent offense	2
324.11151(3)	Pub saf	H	Hazardous waste violation—disregard for human life	2
324.11151(3)	Pub saf	G	Hazardous waste violation—extreme indifference for human life	5
324.12116(2)	Pub saf	H	Waste—false statement or entry in a license application	2
324.20139(3)	Pub saf	H	Hazardous waste—knowingly releases or causes the release	2
324.21324(1)	Pub saf	G	Underground storage tanks—false or misleading information	5
324.21548(1)	Pub trst	H	False statement, report, claim, bid, work invoice, or other request for payment	5
324.30316(3)	Pub saf	H	NREPA violation—subsequent offense	2
324.31525	Person	G	NREPA—imminent danger of death or serious injury—subsequent offense	2
324.33939(1)	Pub trst	H	NREPA violation for commercial purposes	2
324.40118(11)	Pub ord	G	Wildlife conservation—buying selling protected animals—subsequent offense	4
324.51120(2)	Property	H	Removing forest products over \$2,500	3
324.51512	Pub saf	D	Willfully setting forest fires	10
324.61511	Pub trst	G	False affidavit under NREPA	5
324.61521(1)	Pub trst	G	Evading rule under NREPA	3
324.76107(4)	Pub trst	G	Recovering abandoned property in Great Lakes without permit	2
324.80130d(1)	Pub ord	H	False representation to obtain personal information	4
324.80130d(2)	Pub ord	G	False representation to obtain personal information—second offense	7
324.80130d(3)	Pub ord	C	False representation to obtain personal information—third or subsequent offense	15
324.80172	Person	G	Negligent crippling or homicide by vessel	2
324.80173	Person	G	Felonious operation of a vessel	2
324.80176(4)	Person	C	Operating a vessel under the influence causing death	15
324.80176(5)	Person	E	Operating a vessel under the influence causing long-term incapacitating injury	5
324.80177(1)(c)	Pub saf	E	Operating a vessel under the influence—third offense	5
324.80319a(1)	Pub ord	H	False representation to obtain personal information	4
324.80319a(2)	Pub ord	G	False representation to obtain personal information—second offense	7
324.80319a(3)	Pub ord	C	False representation to obtain personal information—third or subsequent offense	15
324.81120(1)	Pub ord	H	False representation to obtain personal information	4
324.81120(2)	Pub ord	G	False representation to obtain personal information—second offense	7
324.81120(3)	Pub ord	C	False representation to obtain personal information—third or subsequent offense	15
324.81134(6)	Pub saf	E	Operating an ORV under the influence—third offense	4

M.C.L.	Category	Class	Description	Stat Max
324.82127(4)	Person	C	Operating a snowmobile under the influence causing death	15
324.82127(5)	Person	E	Operating a snowmobile under the influence causing long-term incapacitating injury	5
324.82128(1)(c)	Pub saf	E	Operating a snowmobile under the influence—third offense	5
324.82160(1)	Pub ord	H	False representation to obtain personal information	4
324.82160(2)	Pub ord	G	False representation to obtain personal information—second offense	7
324.82160(3)	Pub ord	C	False representation to obtain personal information—third or subsequent offense	15
328.232	Property	E	Conversion of funeral contracts	5
333.2685	Person	E	Use of a live human embryo, fetus for nontherapeutic research	5
333.2688	Person	E	Research on dead embryo or fetus without mother's consent	5
333.2689	Person	E	Abortion to obtain embryo	5
333.2690	Person	E	Sale or delivery of fetus or embryo	5
333.2835(9)	Pub trst	G	Disclosing confidential information—abortion	3
333.5210	Person	F	AIDS—sexual penetration with uninformed partner	4
333.5661	Person	F	Fraud resulting in patient death	4
333.7341(8)	CS	G	Delivery or manufacture or imitation controlled substance	2
333.7401(2)(a)(i)	CS	A	Delivery or manufacture of > 649 grams by juvenile	Life
333.7401(2)(a)(iii)	CS	B	Delivery or manufacture of 50-224 grams	20
333.7401(2)(a)(iv)	CS	D	Delivery or manufacture of < 50 grams	20
333.7401(2)(b)	CS	E	Delivery or manufacture schedule 1/2/3 except marijuana	7
333.7401(2)(c)	CS	F	Delivery or manufacture schedule 4	4
333.7401(2)(d)(i)	CS	C	Delivery or manufacture > 45 kilos of marijuana	15
333.7401(2)(d)(ii)	CS	D	Delivery or manufacture 5-45 kilos of marijuana	7
333.7401(2)(d)(iii)	CS	F	Delivery or manufacture < 5 kilos or 20 plants of marijuana	4
333.7401(2)(e)	CS	G	Delivery or manufacture schedule 5	2
333.7401(2)(f)	CS	D	Delivery or manufacture official or counterfeit prescription form	20
333.7401(2)(g)	CS	D	Delivery or manufacture prescription or counterfeit form (other than official)	7
333.7402(2)(a)	CS	D	Delivery or manufacture imitation controlled substance	10
333.7402(2)(b)	CS	E	Delivery or manufacture imitation controlled substance schedule 1/2/3	5
333.7402(2)(c)	CS	F	Delivery or manufacture imitation controlled substance schedule 4	4
333.7402(2)(d)	CS	G	Delivery or manufacture imitation controlled substance schedule 5	2
333.7402(2)(e)	CS	C	Delivery or manufacture analogue	15
333.7403(2)(a)(i)	CS	A	Possession > 649 grams by juvenile	Life
333.7403(2)(a)(iii)	CS	B	Possession 50-224 grams	20
333.7403(2)(a)(iv)	CS	G	Possession 25-49 grams	4
333.7403(2)(a)(v)	CS	G	Possession of < 25 grams	4
333.7403(2)(b)	CS	G	Possession certain schedule 1/2/3/4 or analogue	2
333.7403(2)(e)	CS	H	Possession of official prescription form	1
333.7405(a)	CS	G	Controlled substance violations by licensee	2
333.7405(b)	CS	G	Manufacturing or distribution violations by licensee	2
333.7405(c)	CS	G	Refusing lawful inspection	2
333.7405(d)	CS	G	Maintaining drug house	2
333.7407(1)(a)	CS	G	Controlled substance violations by licensee	4
333.7407(1)(b)	CS	G	Use of fictitious, revoked, or suspended license number	4
333.7407(1)(c)	CS	G	Obtaining controlled substance by fraud	4
333.7407(1)(d)	CS	G	False reports under controlled substance article	4
333.7407(1)(e)	CS	G	Possession of counterfeiting implements	4
333.7407(1)(f)	CS	F	Disclosing or obtaining prescription information	4
333.7407(1)(g)	CS	F	Possession of counterfeit prescription form	4
333.7407(2)	CS	G	Refusing to furnish records under controlled substance article	4
333.10204(1)	Pub ord	F	Transferring a human organ for valuable consideration	4
333.13738(2)	Pub saf	F	Waste disposal violations—second offense	5
333.13738(3)	Pub saf	F	Disposing of waste—indifference to human life	2
333.13738(3)	Pub saf	B	Disposing of waste—extreme indifference to human life	20

M.C.L.	Category	Class	Description	Stat Max
333.16170(3)	Pub trst	F	False representation—health professional recovery program	4
333.16294	Pub saf	F	Health profession—unauthorized practice	4
333.17766a(2)(a)	CS	F	Possession of steroids—second offense	4
333.17766a(3)	CS	E	Delivery or manufacture of steroids	7
333.17766a(4)	CS	G	Delivery of imitation steroids	7
333.17766c(2)	CS	G	Possession >10 grams ephedrine	2
333.20142(5)	Pub trst	F	False statement—application licensure health facility	4
333.21792	Pub trst	G	Nursing homes—referral fees/bribing officials/accepting bribes	4
388.936	Pub trst	F	Knowingly making false statement—school district loans	4
388.962	Pub trst	F	Knowingly making false statement—school district loans	4

Sec. 14. This chapter applies to the following felonies enumerated in chapters 400 to 499 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
400.60(2)	Property	H	Welfare—obtaining over \$500 by failure to inform	4
400.603	Pub trst	G	Medicaid fraud—false statement in benefit/concealing information	4
400.604	Pub trst	G	Medicaid fraud—kickback/referral fees	4
400.605	Pub trst	G	Medicaid fraud—false statement regarding institutions	4
400.606	Property	E	Medicaid fraud—conspiracy	10
400.607	Pub trst	G	Medicaid fraud—false claim/medically unnecessary	4
400.609	Property	D	Medicaid fraud—fourth offense	10
400.713(13)	Pub saf	H	Adult foster care—unlicensed facility—first offense	2
400.713(13)	Pub saf	F	Adult foster care—unlicensed facility—second or subsequent violation	5
400.722(4)	Pub saf	F	Adult foster care—maintaining operation after refusal of licensure	5
408.1035(5)	Pub saf	G	MIOSHA violation—second offense	3
408.1035(5)	Pub saf	I	MIOSHA violation—first offense	1
408.1035a(5)	Pub saf	I	MIOSHA violations/writs of mandamus/assaults—first offense	1
408.1035a(5)	Pub saf	G	MIOSHA violations/writs of mandamus/assaults—second offense	3
409.122(2)	Person	E	Employment of children during certain hours—third offense	10
409.122(2)	Pub ord	G	Employment of children during certain hours—second offense	2
409.122(3)	Person	D	Employment of children in child sexually abusive activity	20
421.54(a)(i)(B)	Property	H	Unemployment comp fraud—failure to comply with act/rule \$25,000-\$100,000	2
421.54(a)(i)(C)	Property	G	Unemployment comp fraud—failure to comply with act/rule over \$100,000	5
421.54(a)(iv)(B)	Property	H	Unemployment comp fraud—willful violation of act/rule over \$100,000	2
421.54(b)(i)(B)	Property	H	Unemployment comp fraud—false statement or misrepresent over \$25,000	2
421.54(b)(i)(C)	Property	H	Unemployment comp fraud—false statement or misrepresentation without actual loss	2
421.54(d)	Property	H	Unemployment comp fraud—disclose confidential information for financial gain	1
421.54a	Property	G	Unemployment comp fraud—false statement as condition of employment	10
421.54b(b)(i)	Property	H	Unemployment comp fraud—conspiracy with loss of \$25,000 or less	2
421.54b(b)(ii)	Property	G	Unemployment comp fraud—conspiracy with loss over \$25,000	5
421.54b(b)(iii)	Property	H	Unemployment comp fraud—conspiracy with no actual loss	2
421.54c(b)(i)	Property	H	Unemployment comp fraud—embezzlement of \$25,000 to under \$100,000	2
421.54c(b)(ii)	Property	G	Unemployment comp fraud—embezzlement of \$100,000 or more	5
421.54c(b)(iv)	Property	H	Unemployment comp fraud—embezzlement with no actual loss	2
426.106	Property	E	Marking of logs and timber—forging	5
431.257	Pub trst	G	Racing, boxing and exhibition racing	2

M.C.L.	Category	Class	Description	Stat Max
431.307(8)	Pub trst	G	Horse racing—testifying falsely to commissioner while under oath	4
431.330(4)	Pub trst	G	Horse racing—administering a drug that could affect racing condition	5
431.332	Pub trst	G	Horse racing—influencing or attempting to influence result of race	5
432.30	Property	G	Lottery—forgery of tickets	5
432.218	Pub ord	D	Casino gaming offenses	10
436.1701(2)	Person	D	Selling alcohol to a minor and causing death	10
436.1909(3)	Pub ord	H	Liquor violation	1
436.1919	Pub ord	H	Fraudulent documents, labels, or stamps	1
438.41	Property	E	Criminal usury	5
440.9307(4)	Property	G	Farming—illegal sale of secured products	3
442.219	Pub trst	E	Sales—false statement	5
443.50	Pub trst	E	Issuing warehouse receipt for goods not received	5
443.52	Pub trst	E	Issuing duplicate warehouse receipt not so marked	5
444.13	Pub trst	H	Warehousemen and warehouse receipts	2
444.107	Pub trst	E	Warehouse certificates—willfully alter or destroy	5
445.487(2)	Pub ord	H	Precious metal and gem dealer failure to record material matter—second offense	2
445.488(2)	Pub ord	H	Precious metal and gem dealer violations—second offense	2
445.489	Pub ord	H	Precious metal and gem dealer violations	2
445.490	Pub ord	H	Precious metal and gem dealer failure to obtain a certificate of registration	2
445.779	Pub ord	H	Antitrust violation	2
445.1505	Pub trst	G	Franchise investment law—fraudulent filing/offers	7
445.1508	Pub trst	G	Franchise investment law—sale without proper disclosure	7
445.1513	Pub trst	G	Franchise investment law—illegal offers/sales	7
445.1520	Pub trst	G	Franchise investment law—keeping records	7
445.1521	Pub trst	G	Franchise investment law—false representation	7
445.1523	Pub trst	G	Franchise investment law—false statements of material fact	7
445.1525	Pub trst	G	Franchise investment law—false advertising	7
445.1528	Pub trst	D	Pyramid/chain promotions—offer or sell	7
445.1671	Pub trst	E	Mortgage brokers, lenders—knowingly giving a false statement	15
445.1679	Pub trst	H	Mortgage brokers act—general violations	3
450.775	Pub ord	H	Corporations—minority and woman owned businesses	2
450.795	Pub ord	H	Corporations—handicapper business opportunity act	2
451.319	Pub trst	G	Securities, real estate, and debt management—violation	2
451.434	Pub trst	H	Debt management act—licensee violations	2
451.501	Pub trst	E	Blue sky laws—fraudulent schemes/statements	10
451.502	Pub trst	E	Blue sky laws—investment advisor/agent fraud	10
451.503	Pub trst	E	Blue sky laws—make/sell false bullion/certificates	10
451.601	Pub trst	E	Blue sky laws—unregistered broker/dealer/agent/advisor	10
451.603(h)	Pub trst	E	Blue sky laws—fail to notify administrator of sanctions	10
451.604(a)(1)(J) to (S) and (V) to (Z)	Pub trst	E	Blue sky laws—various violations	10
451.701	Pub trst	E	Blue sky laws—offer/sell unregistered securities	10
451.802	Pub trst	E	Blue sky laws—unlawfully selling securities	10
451.804	Pub trst	E	Blue sky laws—willful false statements	10
451.805(b)	Pub trst	E	Blue sky laws—false representation of administrative approval	10
451.806(b)	Pub trst	E	Blue sky laws—improper disclosure by cor and sec bur employee	10
462.257(1)	Person	A	Trains—endangering travel	Life
462.353(5)	Pub saf	F	Operating a locomotive—under the influence	4
472.36	Pub saf	A	Street railways—obstruction of track	Life
482.44	Property	H	Bills of lading—issuance for goods not received	5
482.46	Property	H	Bills of lading—issuance of duplicate not so marked	5
482.48	Property	H	Bills of lading—negotiation when goods not in carriers' possession	5

M.C.L.	Category	Class	Description	Stat Max
482.49	Property	H	Bills of lading—inducing carrier to issue when goods have not been received	5
482.50	Property	H	Bills of lading—issuance of non-negotiable bill not so marked	5
483.226	Pub trst	E	Officer of a pipeline company—intent to defraud—stock	10
487.1505(6)	Pub trst	E	BIDCO act—knowingly receiving money or property at an interest rate > 25%	5
492.137(a)	Pub trst	H	Installment sales of motor vehicles	3
493.56a(13)	Pub trst	C	False statement in reports—secondary mortgage	15
493.77(2)	Pub trst	H	Regulatory loans	3

Sec. 15. This chapter applies to the following felonies enumerated in chapters 500 to 749 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
500.1325(3)	Pub trst	E	Insurance code—knowingly misrepresenting false financial condition	5
500.1371	Pub trst	H	Holding companies—violation	2
500.1505(2)	Pub trst	C	Insurance code—license and regulatory violations	15
500.4511(1)	Pub trst	F	Insurance code—fraudulent insurance act	4
500.4511(2)	Pub trst	D	Insurance fraud—agreement or conspiracy to commit	10
500.5252(4)	Property	G	Insurance—improper personal interest in transactions	5
500.7034(2)	Pub trst	E	Officer of a MEWA knowingly receive valuables for sale property or loan	10
500.8197(2)	Pub trst	C	Insurance—knowing or willful false statements in application for insurance	15
500.8197(3)	Property	E	Consolidation merger—compensation otherwise than expressed in contract	5
551.6	Person	H	Marriage license—mental or venereal disease	5
554.836	Property	E	Real and property—living care disclosure act	7
565.371	Property	G	Fraudulent conveyances—recording with intent to deceive	3
565.827	Pub trst	E	Land sales act—false or fraudulent statement	10
570.152	Property	G	Contractor—fraudulent use of building contract fund	3
570.1110	Property	F	Contractor—false sworn statements over \$100	4
570.1207	Property	G	Construction liens—false information	4
600.908(8)	Pub trst	E	Immunity to witness—committing perjury	15
600.2136	Pub trst	E	Library record, book, paper—false certification in court	15
600.2907a	Property	G	Recording documents affecting property without lawful cause	3
600.2916	Pub saf	G	Revised judicature act—lethal gases for fumigation	4
600.8713	Pub trst	G	Revised judicature act—false statement by authorized local officials	15
600.8813	Pub trst	E	Law enforcement officer—knowingly making false statement in a citation	15
710.54(11)	Pub trst	F	Offer to give other consideration—adoption—subsequent violation	4
710.55(1)	Pub trst	F	Adoption—persons not authorized placing child—subsequent violation	4
710.69	Person	F	Michigan adoption law—second offense	4
711.1(8)	Pub trst	E	Intentional false statement in petition for name change	15
722.633(5)(b)	Person	F	Intentional false report of child abuse constituting a felony	4
722.675	Pub ord	E	Distributing obscene matter to children	2
722.857	Person	E	Surrogate parenting act—contracts involving minors, mentally retarded, etc.	5
722.859(3)	Person	E	Surrogate parenting act—contracts for compensation	5

Sec. 16. This chapter applies to felonies enumerated in chapter 750 of the Michigan Compiled Laws as set forth in sections 16a to 16z of this chapter.

Sec. 16a. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.11	Person	A	Taking a woman and compelling her to marry	Life
750.12	Person	H	Taking a woman with intent to compel her to marry	10
750.13	Person	D	Enticing female under 16 for immoral purposes	10
750.14	Person	C	Abortion resulting in death of female	15
750.14	Person	G	Abortion	4
750.30	Pub ord	H	Adultery	4
750.32	Pub ord	H	Cohabitation of divorced parties	4

Sec. 16b. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.49(2)(a) to (d)	Pub ord	F	Fighting animals or providing facilities for animal fights	4
750.49(2)(e)	Pub ord	F	Organizing or promoting animal fights	4
750.49(2)(f)	Pub ord	H	Attending animal fight	4
750.49(2)(g)	Pub ord	F	Breeding or selling fighting animals	4
750.49(2)(h)	Pub ord	F	Selling or possessing equipment for animal fights	4
750.49(8)	Person	A	Inciting fighting animal resulting in death	Life
750.49(9)	Person	F	Inciting fighting animal to attack	4
750.49(10)	Person	D	Fighting animal attacking without provocation and death resulting	15
750.50(4)	Pub ord	G	Animal neglect or cruelty—second offense	2
750.50(4)	Pub ord	F	Animal neglect or cruelty—third or subsequent offense	4
750.50b(2)	Property	F	Killing or torturing animals	4
750.50c(5)	Pub ord	E	Killing or causing serious physical harm to law enforcement animal	5
750.50c(7)	Pub saf	H	Harassing or causing harm to law enforcement animal while committing crime	2
750.68	Property	G	Changing brands with intent to steal	4

Sec. 16c. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.72	Person	B	Arson of a dwelling house	20
750.73	Property	D	Arson of real property	10
750.74	Person	F	Arson of personal property greater than \$50	4
750.75	Property	D	Arson of insured property	10
750.77	Person	F	Preparing to burn personal property greater than \$50	4
750.78	Pub saf	F	Arson of woods and prairies	4
750.79	Pub saf	F	Violating township rules concerning clearing of land and burning	4
750.80	Property	D	Arson of mines	Life

Sec. 16d. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.81(4)	Person	G	Domestic assault—third offense	2
750.81a(3)	Person	G	Aggravated domestic assault—second offense	2
750.82(1)	Person	F	Felonious assault	4
750.82(2)	Person	F	Felonious assault—weapon-free school zone	4
750.83	Person	A	Assault with intent to murder	Life
750.84	Person	D	Assault with intent to do great bodily harm less than murder	10
750.86	Person	D	Assault with intent to maim	10
750.87	Person	D	Assault with intent to commit a felony	10
750.88	Person	C	Assault with intent to commit unarmed robbery	15
750.89	Person	A	Assault with intent to commit armed robbery	Life
750.90	Person	D	Sexual intercourse under pretext of medical treatment	10
750.91	Person	A	Attempted murder	Life

Sec. 16e. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.93	Property	G	Removing or destroying bonds in state treasury	10
750.94	Property	G	Issuing bank notes without complying with requirements	10
750.95	Property	G	Fraudulent bank notes	10
750.96	Property	G	Fraudulent disposal of bank property	4
750.97	Property	H	Statements derogatory to financial condition of bank	4
750.98	Pub ord	G	Private banking	4
750.99	Pub trst	G	Certifying checks without sufficient funds	4
750.100	Pub trst	E	Banks—conducting business when insolvent	5
750.101	Pub trst	E	Violating financial institutions act	5
750.104	Property	F	Fitting boat with intent to destroy	4
750.105	Property	G	Making false cargo invoice for boat	4
750.106	Property	G	Boats—making or procuring false protest	4

Sec. 16f. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.110	Property	D	Breaking and entering with intent to commit felony or larceny	10
750.110a(4)	Person	B	Home invasion—first degree	20
750.110a(5)	Person	C	Home invasion—second degree	15
750.111	Property	E	Entering without breaking with intent to commit felony or larceny	5
750.112	Person	A	Burglary with explosives	Life
750.116	Property	E	Possession of burglar's tools	10
750.117	Pub trst	F	Bribing public officer	4
750.118	Pub trst	D	Public officer accepting bribe	10
750.119	Pub trst	F	Bribing jurors and others	4
750.120	Pub trst	F	Jurors and others accepting bribes	4
750.121	Pub trst	F	Bribing public officers to influence contract	4
750.124	Pub trst	G	Bribing athletes	4
750.128	Pub ord	H	Bucket shops	2
750.131(3)(a)(iv)	Property	H	NSF checks—\$50 or less—fourth offense	13 months
750.131(3)(b)(ii)	Property	H	NSF checks—\$50 to \$200—third offense	13 months
750.131(3)(c)	Property	H	NSF checks—over \$200	13 months
750.131a(1)	Property	H	No account checks	2
750.131a(2)	Property	H	No account checks—three within 10 days	2

Sec. 16g. 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
750.136b(f)(2)	Person	C	Child abuse—first degree	15
750.136b(f)(3)	Person	F	Child abuse—second degree	4
750.136b(f)(4)	Person	G	Child abuse—third degree	2
750.145b	Person	F	Accosting children for immoral purposes—second offense	4
750.145c(2)	Person	B	Child sexually abusive activity or materials—active involvement	20
750.145c(3)	Person	D	Child sexually abusive activity or materials—distributing, promoting, or financing	7
750.145n(1)	Person	C	Vulnerable adult abuse—first degree	15
750.145n(2)	Person	F	Vulnerable adult abuse—second degree	4
750.145n(3)	Person	G	Vulnerable adult abuse—third degree	2
750.145o	Person	E	Death of vulnerable adult caused by unlicensed caretaker	5
750.145p(1)	Person	G	Vulnerable adult—commingling funds, obstructing investigation, or filing false information	2
750.145p(2)	Person	G	Retaliation or discrimination by caregiver against vulnerable adult	2
750.145p(5)	Person	E	Vulnerable adult—caregiver violations—second offense	5
750.147b	Person	G	Ethnic intimidation	2

Sec. 16h. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.149	Pub saf	F	Concealing an offense punishable by life	4
750.157a(b)	Pub ord	H	Conspiracy—gambling	5
750.157a(d)	Pub ord	G	Conspiracy to commit legal act in illegal manner	5
750.157b(2)	Person	A	Solicitation of murder	Life
750.157b(3)(a)	Pub ord	E	Solicitation of felony punishable by life or 5 or more years	5
750.157b(3)(b)	Pub ord	G	Solicitation of felony punishable by less than 5 years	2
750.157n(1)	Property	H	Financial transaction device—stealing, retaining, or using without consent	4
750.157n(2)	Property	H	Possessing fraudulent or altered financial transaction device	4
750.157p	Property	H	Possessing financial transaction device without permission and with intent to use or sell	4
750.157q	Property	H	Delivery or sale of fraudulent financial transaction device	4
750.157r	Property	H	Financial transaction device—forgery, alteration, or counterfeiting	4
750.157s	Property	H	Use of revoked or canceled financial transaction device over \$100	1
750.157t	Property	H	Furnishing goods or services to person committing violation with financial transaction device	4
750.157u	Property	H	Overcharging person using financial transaction device	4
750.157v	Property	H	False statement of identity to obtain financial transaction device	4
750.157w	Property	H	Fraudulently withdrawing or transferring more than \$500 with financial transaction device	4

Sec. 16i. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.158	Pub ord	E	Sodomy	15
750.159j	Pub saf	B	Racketeering	20
750.160	Pub ord	D	Disinterring or mutilating dead human bodies	10
750.160a	Pub ord	H	Photographing dead human bodies	2
750.161	Pub ord	G	Desertion/abandonment/nonsupport	3
750.164	Pub ord	F	Desertion to escape prosecution	4
750.165	Pub ord	F	Failing to pay support and leaving state	4
750.171	Person	E	Duelling	10
750.174	Property	D	Embezzlement by agent over \$100	10
750.175	Pub trst	D	Embezzlement by public official over \$50	10
750.176	Pub trst	E	Embezzlement by administrator/executor/guardian	10
750.177	Property	H	Embezzlement by chattel mortgagor over \$100	2
750.178	Property	G	Embezzlement of mortgaged or leased property—over \$100	2
750.179	Property	G	Embezzlement of railroad tickets	4
750.180	Property	D	Embezzlement by financial institutions	20
750.181	Property	E	Embezzlement of jointly held property over \$100	10
750.182	Property	G	Embezzlement by warehouses	4
750.182a	Pub trst	H	Falsifying school records	2

Sec. 16j. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.183	Pub saf	E	Aiding escaping prisoner	7
750.186a(1)	Pub saf	F	Escape from a juvenile facility	4
750.189	Pub saf	H	Officer negligently allowing prisoner to escape or refusing to receive prisoner	2
750.190	Pub saf	G	Officer receiving reward to assist or permit escape	2
750.193	Pub saf	E	Escape from prison	5
750.195(1)	Pub saf	H	Escape from a misdemeanor jail sentence	2
750.195(2)	Pub saf	F	Escape from a felony jail sentence	4
750.197(1)	Pub saf	H	Escape while awaiting trial for misdemeanor	2
750.197(2)	Pub saf	F	Escape while awaiting trial for felony	4
750.197c	Pub saf	F	Escape from jail through violence	4
750.199a	Pub ord	F	Absconding on or forfeiting bond	4

Sec. 16k. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.200	Pub saf	F	Explosives—transport by common carriers	4
750.201	Pub saf	F	Transportation of concussion or friction type explosives	4
750.202	Pub saf	F	Shipping explosives with false markings or invoice	4
750.204	Pub saf	E	Sending explosives with intent to injure persons	5
750.204a	Pub saf	F	Sending or transporting imitation explosive device with malicious intent	4
750.205	Pub saf	C	Placing explosives with the intent to destroy property	15
750.205a	Pub saf	F	Intimidation or harassment by device represented as an explosive	4
750.206	Person	B	Placing explosives with damage to property resulting	25
750.208	Pub saf	C	Aiding or abetting explosives placement with intent to destroy property	15
750.209	Pub saf	C	Placing foul or offensive substance to injure	15
750.209	Pub saf	F	Placing foul or offensive substance to alarm	4
750.210	Pub saf	E	Possession of bombs with unlawful intent	5
750.210a	Pub saf	H	Sale of valerium	5
750.211	Pub saf	E	Manufacture of explosives with unlawful intent	5
750.211a	Pub saf	F	Possessing or manufacturing device designed to explode upon impact or heating	4

Sec. 16l. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.213	Person	B	Threats to extort money	20
750.217b	Pub saf	G	Impersonating public utility employee	2
750.218	Property	E	False pretenses over \$100	10
750.219a(2)(c)	Property	E	Telecommunications fraud—2 prior convictions or value between \$1,000-\$20,000	5
750.219a(2)(d)	Property	D	Telecommunications fraud—3 or more prior convictions or value over \$20,000	10

Sec. 16m. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.223(2)	Pub saf	F	Sale of firearm to minor—second offense	4
750.223(3)	Pub ord	D	Sale of firearm to person prohibited from possessing	10
750.224	Pub saf	E	Manufacture or sale of silencer, bomb, blackjack, automatic weapon, gas spray, etc.	5
750.224a	Pub saf	F	Possession or sale of electrical current weapons	4
750.224b	Pub saf	E	Possession of short barreled shotgun or rifle	5
750.224c	Pub saf	F	Armor piercing ammunition	4
750.224d(2)	Person	G	Using self-defense spray device	2
750.224e	Pub saf	F	Manufacture/sale/possession of devices to convert semiautomatic weapons	4
750.224f	Pub saf	E	Possession or sale of firearm by felon	5
750.226	Pub saf	E	Carrying firearm or dangerous weapon with unlawful intent	5
750.227	Pub saf	E	Carrying a concealed weapon	5
750.227a	Pub saf	F	Unlawful possession of pistol	4
750.227c	Pub saf	G	Possessing a loaded firearm in or upon a vehicle	2
750.227f	Pub saf	F	Wearing body armor during commission of violent crime	4
750.230	Pub saf	G	Altering ID mark on firearm	2
750.232a(3)	Pub saf	G	False statement in a pistol application	4
750.234a	Pub saf	F	Discharging firearm from vehicle	4
750.234b	Pub saf	F	Discharging firearm in or at a building	4
750.234c	Pub saf	F	Discharging firearm at emergency/police vehicle	4
750.236	Person	C	Setting spring gun—death resulting	15
750.237a(1)	Pub saf	F	Weapon-free school zones—general felony violations	Variable

Sec. 16n. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.241(1)	Pub saf	F	Obstructing firefighter	4
750.241(3)	Pub saf	F	Obstructing public service facility personnel in civil disturbance	4
750.248	Property	E	Forgery	14
750.248a	Property	F	Uttering and publishing financial transaction device	4
750.249	Property	E	Uttering and publishing forged records	14
750.249a	Property	H	Molds or dies to forge financial transaction device	4
750.250	Property	E	Forgery of treasury notes	7
750.251	Property	E	Forgery of bank bills	7
750.252	Property	E	Possessing counterfeit notes	7
750.253	Property	G	Uttering counterfeit notes	5
750.254	Property	E	Possession of counterfeit notes or bills	5
750.255	Property	E	Possession of counterfeiting tools	10
750.260	Property	E	Counterfeiting coins or possession of 5 or more counterfeit coins	Life
750.261	Property	E	Possession of 5 or fewer counterfeit coins	10
750.262	Property	E	Manufacture or possession of tools to counterfeit coins	10
750.263(3)	Property	E	Delivery, use, or display of items with counterfeit mark—subsequent offense or over \$1,000 or 100 items	5
750.263(4)	Property	E	Manufacturing items with counterfeit mark	5
750.266	Property	G	Counterfeiting railroad tickets	4

Sec. 16o. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.271	Property	E	Fraudulently issuing or selling domestic securities	10
750.272	Property	G	Sale of fraudulent stock of foreign corporations	10
750.273	Property	E	Obtaining signature to financial document with intent to defraud	10
750.274	Property	E	Fraud—purchasing/collecting on fraudulent financial document	10
750.276	Property	G	Fraud—promise to vendee of grain at fictitious price	4
750.277	Pub trst	G	Promise to vendee of grain to sell at a fictitious price—sale and transfer	4
750.278	Property	G	Fraud—warehouse receipts	5
750.279	Property	G	Fraud—disposition of exhausted property	4
750.280	Property	E	Gross frauds/cheats at common law	10
750.282	Pub ord	G	Public utility—fraudulent use over \$500	4
750.300	Pub ord	G	Animals—killing/injuring to defraud insurance company	2
750.300a(1)(a)	Property	G	Food stamp fraud—\$250 or less—second offense	5
750.300a(1)(a)	Property	G	Food stamp fraud—\$250 or less—third offense	10
750.300a(1)(b)	Property	E	Food stamp fraud—more than \$250 to \$1,000	5
750.300a(1)(b)	Property	E	Food stamp fraud—more than \$250 to \$1,000—second offense	10
750.300a(1)(c)	Property	E	Food stamp fraud—over \$1,000	10
750.303	Pub ord	H	Gambling	2
750.313	Pub ord	H	Gambling—stocks/bonds/commodities	2

Sec. 16p. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.317	Person	M2	Second degree murder	Life
750.321	Person	C	Manslaughter	15
750.322	Person	C	Willful killing of unborn quick child	15
750.323	Person	C	Abortion resulting in death	15
750.324	Person	G	Negligent homicide	2
750.327	Person	A	Death by explosives on vehicle or vessel	Life
750.328	Person	A	Death by explosives in or near building	Life
750.329	Person	C	Homicide—weapon aimed with intent but not malice	15

Sec. 16q. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.332	Property	H	Entering horse in race under false name	4
750.335a	Person	A	Indecent exposure by sexually delinquent person	Life
750.338	Pub ord	G	Gross indecency between males	5
750.338a	Pub ord	G	Gross indecency between females	5
750.338b	Pub ord	G	Gross indecency between males and females	5
750.348	Pub saf	H	Inciting Indians to violate a treaty	4
750.349	Person	A	Kidnapping	Life
750.349a	Person	A	Prisoner taking a hostage	Life
750.350	Person	A	Kidnapping—child enticement	Life
750.350a	Person	H	Kidnapping—custodial interference	1

Sec. 16r. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.356	Property	E	Larceny over \$100	5
750.356a	Property	G	Larceny from a motor vehicle	5
750.356b	Property	G	Breaking and entering a coin telephone	4
750.356c	Property	H	Retail fraud—first degree	2
750.357	Person	D	Larceny from the person	10
750.357a	Property	G	Larceny of livestock	4
750.357b	Property	E	Larceny—stealing firearms of another	5
750.358	Property	G	Larceny from burning building	5
750.360	Property	G	Larceny in a building	4
750.361	Property	H	Trains—stealing/maliciously removing parts	2
750.362	Property	E	Larceny by conversion over \$100	5
750.362a	Property	H	Larceny of rental property	2
750.363	Property	E	Larceny by false personation over \$100	5
750.365	Person	D	Larceny from car or persons detained or injured by accident	20
750.366	Property	G	Larceny of railroad tickets	4
750.367	Property	G	Larceny of trees and shrubs over \$100	5
750.367b	Property	E	Airplanes—taking possession	5
750.372	Pub ord	H	Running or allowing lottery	2
750.373	Pub ord	H	Selling or possessing lottery tickets	2
750.374	Pub ord	H	Lottery—second offense	4

Sec. 16s. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.377a	Property	G	Malicious destruction of personal property over \$100	4
750.377b	Property	F	Malicious destruction of fire/police property	4
750.377c	Property	E	School bus—intentional damage	5
750.378	Property	F	Malicious destruction of property—dams/canals/mills	4
750.379	Property	F	Malicious destruction of property—bridges/railroads/locks	4
750.380	Property	F	Malicious destruction of building over \$100	4
750.383a	Property	F	Malicious destruction of utility equipment	4
750.386	Property	E	Malicious destruction of mine property	20
750.387	Property	G	Malicious destruction of tombs and memorials	5
750.392	Property	E	Malicious destruction of property—vessels	10
750.397	Person	D	Mayhem	10
750.397a	Person	D	Placing harmful objects in food	10
750.405	Pub saf	E	Inciting soldiers to desert	5
750.406	Pub saf	E	Military stores—larceny, embezzlement or destruction	5

Sec. 16t. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.410a	Person	G	Conspiracy to commit a person to state hospital unjustly	4
750.411a(1)(b)	Pub ord	F	False report of a felony	4
750.411a(2)	Pub ord	F	False report of a bombing or threat to bomb	4

M.C.L.	Category	Class	Description	Stat Max
750.411b	Pub trst	G	Excess fees to members of legislature	4
750.411h(2)(b)	Person	E	Stalking of a minor	5
750.411i(3)(b)	Person	D	Aggravated stalking of a minor	10
750.411l	Pub ord	H	Money laundering—fourth degree	2
750.411m	Pub ord	E	Money laundering—third degree	5
750.411n	Pub ord	D	Money laundering—second degree	10
750.411o	Pub ord	B	Money laundering—first degree	20
750.411p(2)(a)	Property	B	Money laundering— > \$10,000 proceeds from controlled substance offense	20
750.411p(2)(b)	Property	D	Money laundering—proceeds from controlled substance offense or other proceeds > \$10,000	10
750.411p(2)(c)	Property	E	Money laundering—transactions involving represented proceeds	5

Sec. 16u. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.413	Property	E	Unlawful driving away of an automobile	5
750.414	Property	H	Unlawful use of an automobile	2
750.415(2)	Property	G	Motor vehicles—conceal/misrepresent identity with intent to mislead	4
750.417	Property	H	Motor vehicle—mortgaged—removal from state	4
750.418	Property	H	Removing a vehicle out of state without vendor's consent	4
750.420	Pub saf	H	Motor vehicle—equipping to release smoke/gas	4
750.421	Pub saf	H	Motor vehicle—designed for attack	5
750.421b	Pub saf	H	Hinder transport of farm/commercial products—second offense	2

Sec. 16v. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.422	Pub trst	G	Perjury—committed in court/capital crime	Life
750.422	Pub trst	G	Perjury—committed in court/noncapital crime	15
750.423	Pub trst	E	Perjury	15
750.424	Pub trst	E	Subornation of perjury	15
750.425	Pub trst	E	Inciting or procuring perjury	5
750.436(1)	Person	E	Poisoning food/drink/wells	5
750.436(2)	Person	A	Poison—food/drink/medicine/wells—large amounts/injury	Life
750.436(3)	Pub saf	H	Poison—Malicious false statement of poisoning	2
750.439	Pub ord	G	Polygamy	4
750.440	Pub ord	G	Polygamy—knowingly entering a prohibited marriage	4
750.441	Pub ord	G	Teaching or advocating polygamy	4
750.442	Pub ord	G	Participating in prizefights	4
750.443	Pub ord	G	Prizefights—training	4

Sec. 16w. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.451	Pub ord	G	Prostitution—various offenses—third offense	2
750.452	Pub ord	E	Keeping a house of prostitution	5
750.455	Pub ord	G	Pandering	20
750.456	Person	B	Placing spouse into prostitution	20
750.457	Pub ord	G	Accepting earnings of a prostitute	20
750.458	Person	B	Prostitution—detaining female for debt	20
750.459	Person	B	Transporting a female for prostitution	20

Sec. 16x. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.479	Person	G	Resisting or obstructing a peace officer	2
750.479a(2)	Pub saf	G	Fleeing and eluding—fourth degree	2
750.479a(3)	Pub saf	E	Fleeing and eluding—third degree	5
750.479a(4)	Person	D	Fleeing and eluding—second degree	10
750.479a(5)	Person	C	Fleeing and eluding—first degree	15

M.C.L.	Category	Class	Description	Stat Max
750.479a(6)	Person	H	Assaulting peace officer	2
750.479b(1)	Person	F	Disarming peace officer—nonfirearm	4
750.479b(2)	Person	D	Disarming peace officer—firearm	10
750.480	Pub trst	F	Public officers—refusing to turn over books/money to successor	4
750.488	Pub trst	H	Public officers—state official—retaining fees	2
750.490	Pub trst	H	Public money—safekeeping	2
750.491	Pub trst	H	Public records—removal/mutilation/destruction	2
750.492a(1)(a)	Pub trst	G	Medical record—intentional place false information—health care provider	4
750.492a(2)	Pub trst	G	Medical record—health care provider alter conceal injury/death	4
750.495a(2)	Person	F	Concealing objects in trees or wood products—causing injury	4
750.495a(3)	Person	C	Concealing objects in trees or wood products—causing death	15
750.505	Pub ord	E	Common law offenses	5
750.511	Person	A	Blocking or wrecking railroad track	Life
750.512	Property	E	Uncoupling railroad cars	10
750.513	Property	H	Issuing fraudulent railroad securities	10
750.514	Property	H	Seizing locomotive with mail car	10
750.516	Person	C	Stopping train to rob	Life
750.517	Person	C	Boarding train to rob	Life

Sec. 16y. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.520b	Person	A	First degree criminal sexual conduct	Life
750.520c	Person	C	Second degree criminal sexual conduct	15
750.520d	Person	C	Third degree criminal sexual conduct	15
750.520e	Person	G	Fourth degree criminal sexual conduct	2
750.520g(1)	Person	D	Assault with intent to commit sexual penetration	10
750.520g(2)	Person	E	Assault with intent to commit sexual contact	5
750.528	Pub saf	F	Destroying dwelling house or other property	4
750.528a	Pub saf	F	Civil disorders—firearms/explosives	4
750.529	Person	A	Armed robbery	Life
750.529a	Person	A	Carjacking	Life
750.530	Person	C	Unarmed robbery	15
750.531	Person	C	Bank robbery/safebreaking	Life
750.532	Person	H	Seduction	5

Sec. 16z. This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.535	Property	E	Receiving or concealing stolen property over \$100	5
750.535a	Pub ord	E	Operating a chop shop	5
750.535b	Pub saf	E	Stolen firearms or ammunition	10
750.539c	Pub ord	H	Eavesdropping	2
750.539d	Pub ord	H	Installing eavesdropping device	2
750.539e	Pub ord	H	Divulging information obtained by eavesdropping	2
750.539f	Pub ord	H	Manufacture or possession of eavesdropping device	2
750.540	Pub ord	H	Tapping or cutting telephone lines	2
750.540c(3)	Property	F	Telecommunications and computer—manufacture or deliver counterfeit communications	4
750.540f(2)	Property	E	Telecommunications and computer—knowingly publishing counterfeit devices—second conviction	5
750.540g(1)(c)	Property	E	Telecommunications—diverting value \$1,000-\$20,000 or priors	5
750.540g(1)(d)	Property	D	Telecommunications—diverting value > \$20,000 or priors	10
750.545	Pub ord	E	Misprision of treason	5
750.552b	Property	F	Trespassing on correctional facility property	4

Sec. 17. This chapter applies to the following felonies enumerated in chapters 751 to 830 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
752.191	Pub saf	G	Felonious driving	2
752.365(3)	Pub ord	G	Obscenity—second offense	2

M.C.L.	Category	Class	Description	Stat Max
752.541	Pub saf	D	Riot	10
752.542	Pub saf	D	Incitement to riot	10
752.542a	Pub saf	D	Riot in state correctional facilities	10
752.543	Pub saf	G	Unlawful assembly	5
752.701	Property	H	Destruction or removal of timber	1
752.797(1)(c)	Property	E	Computer fraud—2 prior convictions or value between \$1,000 and \$20,000	5
752.797(1)(d)	Property	D	Computer fraud—3 or more prior convictions or value over \$20,000	10
752.802	Property	H	Vending machines—manufacture/sale of slugs	5
752.811	Property	H	Breaking and entering a coin operated device	3
752.861	Person	G	Careless discharge of firearm causing injury or death	2
752.881	Person	G	Reckless use of bow and arrow resulting in injury or death	2
752.1003	Property	F	Health care fraud—false claim/state, unnecessary, conceal information	4
752.1004	Property	F	Health care fraud—kickbacks/referral fees	4
752.1005	Property	H	Health care fraud—conspiracy	10
752.1006	Property	D	Health care fraud—second offense	20
752.1027	Person	F	Assisted suicide	4
752.1054(2)	Property	G	Copying audio/video recordings for gain	5
764.1e	Pub trst	C	Peace officer—false statement in a complaint	15
767.4a	Pub trst	F	Disclosing or possessing grand jury information	4
800.281(1)	Pub saf	H	Furnishing prisoner with contraband	5
800.281(2)	Pub saf	H	Furnishing prisoner with contraband outside	5
800.281(3)	Pub saf	H	Bringing contraband into prisons	5
800.281(4)	Pub saf	E	Prisoner possessing contraband	5
800.283(1)	Pub saf	E	Furnishing weapon to prisoner in prison	5
800.283(2)	Pub saf	E	Prisons—knowledge of a weapon in a correctional facility	5
800.283(3)	Pub saf	E	Bringing weapon into prison	5
800.283(4)	Pub saf	E	Prisoner possessing weapon	5

Sec. 18. This chapter applies to the following felonies:

M.C.L.	Category	Description	Stat Max
333.7410	CS	Controlled substance delivery or distribution to minors or students	Variable
333.7413(2) or (3)	Pub trst	Subsequent controlled substance violations	Variable
333.7416(1)(a)	CS	Recruiting or inducing a minor to commit a controlled substance felony	Variable
750.157a(a)	Pub saf	Conspiracy	Variable
750.157c	Person	Inducing minor to commit a felony	Variable
750.188	Pub ord	Voluntarily suffering prisoner to escape	Variable
750.367a	Property	Larceny of rationed goods	Variable

Sec. 19. (1) This chapter applies to an attempt to commit an offense enumerated in this part if the attempted violation is a felony. This chapter does not apply to an attempt to commit a class H offense enumerated in this part.

(2) For an attempt to commit an offense enumerated in this part, the offense category is the same as the attempted offense.

(3) For an attempt to commit an offense enumerated in this part, the class is as follows:

- (a) Class E if the attempted offense is in class A, B, C, or D.
- (b) Class H if the attempted offense is in class E, F, or G.

PART 3

SCORING INSTRUCTIONS FOR SENTENCING GUIDELINES

Sec. 21. (1) For an offense enumerated in part 2 of this chapter, determine the recommended minimum sentence range as follows:

(a) Find the offense category for the offense from part 2 of this chapter. From section 22 of this chapter, determine the offense variables to be scored for that offense category and score only those offense variables for the offender as provided in part 4 of this chapter. Total those points to determine the offender's offense variable level.

(b) Score all prior record variables for the offender as provided in part 5 of this chapter. Total those points to determine the offender's prior record variable level.

(c) Find the offense class for the offense from part 2 of this chapter. Using the sentencing grid for that offense class in part 6 of this chapter, determine the recommended minimum sentence range from the intersection of the offender's offense variable level and prior record variable level. The recommended minimum sentence within a sentencing grid is shown as a range of months or life.

(2) If the defendant was convicted of multiple offenses, score each offense as provided in this part.

(3) If the offender is being sentenced under section 10, 11, or 12 of chapter IX, determine the offense category, offense class, offense variable level, and prior record variable level based on the underlying offense. To determine the recommended minimum sentence range, increase the upper limit of the recommended minimum sentence range determined under part 6 for the underlying offense as follows:

(a) If the offender is being sentenced for a second felony, 25%.

(b) If the offender is being sentenced for a third felony, 50%.

(c) If the offender is being sentenced for a fourth or subsequent felony, 100%.

(4) If the offender is being sentenced for a violation described in section 18 of this chapter, determine the offense class, offense variable level, and prior record variable level based on the underlying offense.

(5) If the offender is being sentenced for an attempted felony described in section 19 of this chapter, determine the offense variable level and prior record variable level based on the underlying attempted offense.

Sec. 22. (1) For all crimes against a person, score offense variables 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, and 19. Score offense variables 5 and 6 for homicide or attempted homicide. Score offense variable 16 under this subsection for a violation or attempted violation of section 110a of the Michigan penal code, 1931 PA 328, MCL 750.110a. Score offense variables 17 and 18 if an element of the offense or attempted offense involves the operation of a vehicle, vessel, aircraft, or locomotive.

(2) For all crimes against property, score offense variables 1, 2, 3, 4, 9, 10, 12, 13, 14, 16, and 19.

(3) For all crimes involving a controlled substance, score offense variables 1, 2, 3, 12, 13, 14, 15, and 19.

(4) For all crimes against public order and all crimes against public trust, score offense variables 1, 3, 4, 9, 10, 12, 13, 14, 16, and 19.

(5) For all crimes against public safety, score offense variables 1, 3, 4, 9, 10, 12, 13, 14, 16, and 19. Score offense variable 18 if an element of the offense involves the operation of a vehicle, vessel, aircraft, or locomotive.

PART 4

OFFENSE VARIABLES

Sec. 31. (1) Offense variable 1 is aggravated use of a weapon. Score offense variable 1 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) A firearm was discharged at or toward a human being or a victim was cut or stabbed with a knife or other cutting or stabbing weapon..... 25 points
- (b) A firearm was pointed at or toward a victim or the victim had a reasonable apprehension of an immediate battery when threatened with a knife or other cutting or stabbing weapon..... 15 points
- (c) The victim was touched by any other type of weapon 10 points
- (d) A weapon was displayed or implied..... 5 points
- (e) No aggravated use of a weapon occurred..... 0 points

(2) All of the following apply to scoring offense variable 1:

(a) Count each person who was placed in danger or injury or loss of life as a victim.

(b) In multiple offender cases, if 1 offender is assessed points for the presence or use of a weapon, all offenders shall be assessed the same number of points.

(c) Score 5 points if an offender used an object to suggest the presence of a weapon.

(d) Do not score 5 points if the conviction offense is a violation of section 82 or 529 of the Michigan penal code, 1931 PA 328, MCL 750.82 and 750.529.

Sec. 32. (1) Offense variable 2 is lethal potential of the weapon possessed. Score offense variable 2 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) The offender possessed an incendiary device, an explosive device, or a fully automatic weapon 15 points
- (b) The offender possessed a short-barreled rifle or a short-barreled shotgun..... 10 points
- (c) The offender possessed a pistol, rifle, shotgun, or knife or other cutting or stabbing weapon..... 5 points
- (d) The offender possessed any other potentially lethal weapon 1 point
- (e) The offender possessed no weapon 0 points

(2) In multiple offender cases, if 1 offender is assessed points for possessing a weapon, all offenders shall be assessed the same number of points.

(3) As used in this section:

(a) "Fully automatic weapon" means a firearm employing gas pressure or force of recoil or other means to eject an empty cartridge from the firearm after a shot, and to load and fire the next cartridge from the magazine, without renewed pressure on the trigger for each successive shot.

(b) "Pistol", "rifle", or "shotgun" includes a revolver, semi-automatic pistol, rifle, shotgun, combination rifle and shotgun, or other firearm manufactured in or after 1898 that fires fixed ammunition, but does not include a fully automatic weapon or short-barreled shotgun or short-barreled rifle.

(c) "Incendiary device" includes gasoline or any other flammable substance, a blowtorch, fire bomb, Molotov cocktail, or other similar device.

Sec. 33. (1) Offense variable 3 is physical injury to a victim. Score offense variable 3 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) A victim was killed..... 100 points
- (b) Life threatening or permanent incapacitating injury occurred to a victim..... 25 points
- (c) Bodily injury requiring medical treatment occurred to a victim..... 10 points
- (d) Bodily injury not requiring medical treatment occurred to a victim 5 points
- (e) No physical injury occurred to a victim..... 0 points

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

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

(b) Score 100 points if death results from the commission of a crime and homicide is not the sentencing offense.

(c) Do not score 5 points if bodily injury is an element of the sentencing offense.

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

Sec. 34. (1) Offense variable 4 is psychological injury to a victim. Score offense variable 4 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) Serious psychological injury requiring professional treatment occurred to a victim 10 points
- (b) No serious psychological injury requiring professional treatment occurred to a victim..... 0 points

(2) Score 10 points if the serious psychological injury may require professional treatment. In making this determination, the fact that treatment has not been sought is not conclusive.

Sec. 35. (1) Offense variable 5 is psychological injury to a member of a victim's family. Score offense variable 5 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) Serious psychological injury requiring professional treatment occurred to a homicide victim's family 15 points

(b) No serious psychological injury requiring professional treatment occurred to a homicide victim's family 0 points

(2) Score 15 points if the serious psychological injury to the victim's family may require professional treatment. In making this determination, the fact that treatment has not been sought is not conclusive.

Sec. 36. (1) Offense variable 6 is the offender's intent to kill or injure another individual. Score offense variable 6 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) The offender had premeditated intent to kill or the killing was committed while committing or attempting to commit arson, criminal sexual conduct in the first or third degree, child abuse in the first degree, a major controlled substance offense, robbery, breaking and entering of a dwelling, home invasion in the first or second degree, larceny of any kind, extortion, or kidnapping or the killing was the murder of a peace officer or a corrections officer 50 points

(b) The offender had unpremeditated intent to kill, the intent to do great bodily harm, or created a very high risk of death or great bodily harm knowing that death or great bodily harm was the probable result... 25 points

(c) The offender had intent to injure or the killing was committed in an extreme emotional state caused by an adequate provocation and before a reasonable amount of time elapsed for the offender to calm or there was gross negligence amounting to an unreasonable disregard for life 10 points

(d) The offender had no intent to kill or injure 0 points

(2) All of the following apply to scoring offense variable 6.

(a) The sentencing judge shall score this variable consistent with a jury verdict unless the judge has information that was not presented to the jury.

(b) Score 10 points if a killing is intentional within the definition of second degree murder or voluntary manslaughter, but the death occurred in a combative situation or in response to victimization of the offender by the decedent.

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

(a) A victim was treated with terrorism, sadism, torture, or excessive brutality 50 points

(b) No victim was treated with terrorism, sadism, torture, or excessive brutality..... 0 points

(2) As used in this section:

(a) "Terrorism" means conduct designed to substantially increase the fear and anxiety a victim suffers during the offense.

(b) "Sadism" means conduct that subjects a victim to extreme or prolonged pain or humiliation and is inflicted to produce suffering or for the offender's gratification.

Sec. 38. (1) Offense variable 8 is victim asportation or captivity. Score offense variable 8 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) A victim was asported to another place of greater danger or to a situation of greater danger or was held captive beyond the time necessary to commit the offense 15 points

(b) No victim was asported or held captive..... 0 points

(2) All of the following apply to scoring offense variable 8:

(a) Count each person who was placed in danger of injury or loss of life as a victim.

(b) Score 0 points if the sentencing offense is kidnapping.

Sec. 39. (1) Offense variable 9 is number of victims. Score offense variable 9 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) Multiple deaths occurred..... 100 points

(b) There were 10 or more victims..... 25 points

(c) There were 2 to 9 victims 10 points

(d) There were fewer than 2 victims 0 points

(2) All of the following apply to scoring offense variable 9:

(a) Count each person who was placed in danger of injury or loss of life as a victim.

(b) Score 100 points only in homicide cases.

Sec. 40. (1) Offense variable 10 is exploitation of a vulnerable victim. Score offense variable 10 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) Predatory conduct was involved..... 15 points

(b) The offender exploited a victim's physical disability, mental disability, youth or agedness, or a domestic relationship, or the offender abused his or her authority status..... 10 points

- (c) The offender exploited a victim by his or her difference in size or strength, or both, or exploited a victim who was intoxicated, under the influence of drugs, asleep, or unconscious..... 5 points
- (d) The offender did not exploit a victim's vulnerability 0 points
- (2) The mere existence of 1 or more factors described in subsection (1) does not automatically equate with victim vulnerability.
- (3) As used in this section:
 - (a) "Predatory conduct" means preoffense conduct directed at a victim for the primary purpose of victimization.
 - (b) "Exploit" means to manipulate a victim for selfish or unethical purposes.
 - (c) "Vulnerability" means the readily apparent susceptibility of a victim to injury, physical restraint, persuasion, or temptation.
 - (d) "Abuse of authority status" means a victim was exploited out of fear or deference to an authority figure, including, but not limited to, a parent, physician, or teacher.

- Sec. 41. (1) Offense variable 11 is criminal sexual penetration. Score offense variable 11 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:
- (a) Two or more criminal sexual penetrations occurred 50 points
 - (b) One criminal sexual penetration occurred..... 25 points
 - (c) No criminal sexual penetration occurred 0 points
 - (2) All of the following apply to scoring offense variable 11:
 - (a) Score all sexual penetrations of the victim by the offender arising out of the sentencing offense.
 - (b) Multiple sexual penetrations of the victim by the offender extending beyond the sentencing offense may be scored in offense variables 12 or 13.
 - (c) Do not score points for the 1 penetration that forms the basis of a first- or third-degree criminal sexual conduct offense.

- Sec. 42. (1) Offense variable 12 is contemporaneous felonious criminal acts. Score offense variable 12 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:
- (a) Three or more contemporaneous felonious criminal acts involving crimes against a person were committed..... 25 points
 - (b) Two contemporaneous felonious criminal acts involving crimes against a person were committed 10 points
 - (c) Three or more contemporaneous felonious criminal acts involving other crimes were committed 10 points
 - (d) One contemporaneous felonious criminal act involving a crime against a person was committed 5 points
 - (e) Two contemporaneous felonious criminal acts involving other crimes were committed 5 points
 - (f) One contemporaneous felonious criminal act involving any other crime was committed 1 point
 - (g) No contemporaneous felonious criminal acts were committed..... 0 points
 - (2) All of the following apply to scoring offense variable 12:
 - (a) A felonious criminal act is contemporaneous if both of the following circumstances exist:
 - (i) The act occurred within 24 hours of the sentencing offense.
 - (ii) The act has not and will not result in a separate conviction.
 - (b) A violation of section 227b of the Michigan penal code, 1931 PA 328, MCL 750.227b, should not be considered for scoring this variable.
 - (c) Do not score conduct scored in offense variable 11.

- Sec. 43. (1) Offense variable 13 is continuing pattern of criminal behavior. Score offense variable 13 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:
- (a) The offense was part of a pattern of felonious criminal activity involving 3 or more crimes against a person..... 25 points
 - (b) The offense was part of a pattern of felonious criminal activity involving a combination of 3 or more crimes against a person or property 10 points
 - (c) The offense was part of a pattern of felonious criminal activity directly related to membership in an organized criminal group..... 10 points

(d) The offense was part of a pattern of felonious criminal activity involving 3 or more crimes against property..... 25 points

(e) No pattern of felonious criminal activity existed..... 0 points

(2) All of the following apply to scoring offense variable 13:

(a) For determining the appropriate points under this variable, all crimes within a 5-year period, including the sentencing offense, shall be counted regardless of whether the offense resulted in a conviction.

(b) The presence or absence of multiple offenders, the age of the offenders, or the degree of sophistication of the organized criminal group is not as important as the fact of the group's existence, which may be reasonably inferred from the facts surrounding the sentencing offense.

(c) Except for offenses related to membership in an organized criminal group, do not score conduct scored in offense variable 11 or 12.

Sec. 44. (1) Offense variable 14 is the offender's role. Score offense variable 14 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) The offender was a leader in a multiple offender situation..... 10 points

(b) The offender was not a leader in a multiple offender situation..... 0 points

(2) All of the following apply to scoring offense variable 14:

(a) The entire criminal transaction should be considered when scoring this variable.

(b) If 3 or more offenders were involved, more than 1 offender may be determined to have been a leader.

Sec. 45. (1) Offense variable 15 is aggravated controlled substance offenses. Score offense variable 15 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) The offense involved the sale or delivery of a controlled substance other than marihuana or a mixture containing a controlled substance other than marihuana by the offender who was 18 years of age or older to a minor who was 3 or more years younger than the offender 25 points

(b) The offense involved the sale, delivery, or possession with intent to sell or deliver 225 grams or more of a controlled substance classified in schedule 1 or 2 or a mixture containing a controlled substance classified in schedule 1 or 2..... 20 points

(c) The offense involved the sale, delivery, or possession with intent to sell or deliver 50 or more grams but less than 225 grams of a controlled substance classified in schedule 1 or 2 or a mixture containing a controlled substance classified in schedule 1 or 2..... 15 points

(d) The offense involved the sale, delivery, or possession with intent to sell or deliver 45 kilograms or more of marihuana or 200 or more of marihuana plants 10 points

(e) The offense involved the delivery or possession with intent to deliver marihuana or any other controlled substance or a counterfeit controlled substance or possession of controlled substances or counterfeit controlled substances having a value or under such circumstances as to indicate trafficking..... 5 points

(f) The offense was not an offense described in subdivisions (a) through (e) 0 points

(2) As used in this section:

(a) "Deliver" means the actual or constructive transfer of a controlled substance from 1 individual to another regardless of remuneration.

(b) "Minor" means an individual 17 years of age or less.

(c) "Trafficking" means the sale or delivery of controlled substances or counterfeit controlled substances on a continuing basis to 1 or more other individuals for further distribution.

Sec. 46. (1) Offense variable 16 is property obtained, damaged, lost, or destroyed. Score offense variable 16 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) Wanton or malicious damage occurred beyond that necessary to commit the crime for which the offender is not charged and will not be charged..... 10 points

(b) The property had a value of more than \$20,000.00 or had significant historical, social, or sentimental value..... 10 points

(c) The property destroyed had a value of \$1,000.00 or more but not more than \$20,000.00..... 5 points

(d) The property destroyed had a value of \$200.00 or more but not more than \$1,000.00 1 point

(e) No property was obtained, damaged, lost, or destroyed or the property had a value of less than \$200.00..... 0 points

(2) All of the following apply to scoring offense variable 16:

(a) In multiple offender or victim cases, the appropriate points may be determined by adding together the aggregate value of the property involved, including property involved in uncharged offenses or charges dismissed under a plea agreement.

(b) In cases in which the property was obtained unlawfully, lost to the lawful owner, or destroyed, use the value of the property in scoring this variable. If the property was damaged, use the monetary amount appropriate to restore the property to pre-offense condition in scoring this variable.

(c) The amount of money or property involved in admitted but uncharged offenses or in charges that have been dismissed under a plea agreement may be considered.

Sec. 47. (1) Offense variable 17 is degree of negligence exhibited. Score offense variable 17 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) The offender showed a wanton or reckless disregard for the life or property of another person..... 10 points

(b) The offender failed to show the degree of care that a person of ordinary prudence in a similar situation would have shown..... 5 points

(c) The offender was not negligent 0 points

(2) Do not score 10 points if points are given in offense variable 6.

Sec. 48. (1) Offense variable 18 is operator ability affected by alcohol or drugs. Score offense variable 18 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) The offender operated a vehicle when his or her bodily alcohol content was 0.20 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine 20 points

(b) The offender operated a vehicle when his or her bodily alcohol content was 0.15 grams or more but less than 0.20 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine 15 points

(c) The offender operated a vehicle when his or her bodily alcohol content was 0.10 grams or more but less than 0.15 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or while he or she was under the influence of intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance 10 points

(d) The offender operated a vehicle when his or her bodily alcohol content was 0.07 grams or more but less than 0.10 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine, or while he or she was visibly impaired by the use of intoxicating liquor and a controlled substance or a combination of intoxicating liquor or a controlled substance, or was less than 21 years of age and had any bodily alcohol content..... 5 points

(e) The offender's ability to operate a vehicle was not affected by an intoxicating liquor or a controlled substance or a combination of intoxicating liquor and a controlled substance 0 points

(2) As used in this section, "any bodily alcohol content" means either of the following:

(a) An alcohol content of not less than 0.02 grams or more than 0.07 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(b) Any presence of alcohol within an individual's body resulting from the consumption of intoxicating liquor other than the consumption of intoxicating liquor as part of a generally recognized religious service or ceremony.

Sec. 49. Offense variable 19 is threat to the security of a penal institution or court or interference with the administration of justice. Score offense variable 19 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

(a) The offender by his or her conduct threatened the security of a penal institution or court..... 25 points

(b) The offender used force or the threat of force against another person or the property of another person to interfere with or attempt to interfere with the administration of justice 15 points

(c) The offender otherwise interfered with or attempted to interfere with the administration of justice..... 10 points

(d) The offender did not threaten the security of a penal institution or court or interfere with or attempt to interfere with the administration of justice 0 points

PART 5
PRIOR RECORD VARIABLES

Sec. 50. (1) In scoring prior record variables 1 to 5, do not use any conviction or juvenile adjudication that precedes a period of 10 or more years between the discharge date from a conviction or juvenile adjudication and the defendant's commission of the next offense resulting in a conviction or juvenile adjudication.

(2) Apply subsection (1) by determining the time between the discharge date for the prior conviction or juvenile adjudication most recently preceding the commission date of the sentencing offense. If it is 10 or more years, do not use that prior conviction or juvenile adjudication and any earlier conviction or juvenile adjudication in scoring prior record variables. If it is less than 10 years, use that prior conviction or juvenile adjudication in scoring prior record variables and determine the time between the commission date of that prior conviction and the discharge date of the next earlier prior conviction or juvenile adjudication. If that period is 10 or more years, do not use that prior conviction or juvenile adjudication and any earlier conviction or juvenile adjudication in scoring prior record variables. If it is less than 10 years, use that prior conviction or juvenile adjudication in scoring prior record variables and repeat this determination for each remaining prior conviction or juvenile adjudication until a period of 10 or more years is found or no prior convictions or juvenile adjudications remain.

(3) If a discharge date is not available, add either the time defendant was sentenced to probation or the length of the minimum incarceration term to the date of the conviction and use that date as the discharge date.

(4) As used in this part:

(a) "Conviction" includes any of the following:

(i) Assignment to youthful trainee status under sections 11 to 15 of chapter II.

(ii) A conviction set aside under 1965 PA 213, MCL 780.621 to 780.624.

(b) "Discharge date" means the date an individual is discharged from the jurisdiction of the court or the department of corrections after being convicted of or adjudicated responsible for a crime or an act that would be a crime if committed by an adult.

(c) "Juvenile adjudication" includes an adjudication set aside under section 18e of chapter XIIA of 1939 PA 288, MCL 712A.18e, or expunged.

Sec. 51. (1) Prior record variable 1 is prior high severity felony convictions. Score prior record variable 1 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) The offender has 3 or more prior high severity felony convictions 75 points
- (b) The offender has 2 prior high severity felony convictions 50 points
- (c) The offender has 1 prior high severity felony conviction 25 points
- (d) The offender has no prior high severity felony convictions 0 points

(2) As used in this section, "prior high severity felony conviction" means a conviction for a crime listed in offense class M2, A, B, C, or D or for a felony under a law of the United States or another state corresponding to a crime listed in offense class M2, A, B, C, or D, if the conviction was entered before the sentencing offense was committed.

Sec. 52. (1) Prior record variable 2 is prior low severity felony convictions. Score prior record variable 2 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) The offender has 4 or more prior low severity felony convictions 30 points
- (b) The offender has 3 prior low severity felony convictions 20 points
- (c) The offender has 2 prior low severity felony convictions 10 points
- (d) The offender has 1 prior low severity felony conviction 5 points
- (e) The offender has no prior low severity felony convictions 0 points

(2) As used in this section, "prior low severity felony conviction" means a conviction for a crime listed in offense class E, F, G, or H or for a felony under a law of the United States or another state that corresponds to a crime listed in offense class E, F, G, or H, if the conviction was entered before the sentencing offense was committed.

Sec. 53. (1) Prior record variable 3 is prior high severity juvenile adjudications. Score prior record variable 3 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) The offender has 3 or more prior high severity juvenile adjudications 50 points

- (b) The offender has 2 prior high severity juvenile adjudications 25 points
- (c) The offender has 1 prior high severity juvenile adjudication 10 points
- (d) The offender has no prior high severity juvenile adjudications 0 points

(2) As used in this section, “prior high severity juvenile adjudication” means a juvenile adjudication for conduct that would be a crime listed in offense class M2, A, B, C, or D if committed by an adult or for conduct that would be a felony under a law of the United States or another state corresponding to a crime listed in offense class M2, A, B, C, or D if committed by an adult, if the order of disposition was entered before the sentencing offense was committed.

Sec. 54. (1) Prior record variable 4 is prior low severity juvenile adjudications. Score prior record variable 4 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) The offender has 6 or more prior low severity juvenile adjudications..... 20 points
- (b) The offender has 4 or 5 prior low severity juvenile adjudications..... 10 points
- (c) The offender has 2 or 3 prior low severity juvenile adjudications..... 5 points
- (d) The offender has 1 prior low severity juvenile adjudication..... 2 points
- (e) The offender has no prior low severity juvenile adjudications..... 0 points

(2) As used in this section, “prior low severity juvenile adjudication” means a juvenile adjudication for conduct that would be a crime listed in offense class E, F, G, or H if committed by an adult or for conduct that would be a felony under a law of the United States or another state corresponding to a crime listed in offense class E, F, G, or H if committed by an adult, if the order of disposition was entered before the sentencing offense was committed.

Sec. 55. (1) Prior record variable 5 is prior misdemeanor convictions or prior misdemeanor juvenile adjudications. Score prior record variable 5 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) The offender has 7 or more prior misdemeanor convictions or prior misdemeanor juvenile adjudications..... 20 points
- (b) The offender has 5 or 6 prior misdemeanor convictions or prior misdemeanor juvenile adjudications..... 15 points
- (c) The offender has 3 or 4 prior misdemeanor convictions or prior misdemeanor juvenile adjudications..... 10 points
- (d) The offender has 2 prior misdemeanor convictions or prior misdemeanor juvenile adjudications..... 5 points
- (e) The offender has 1 prior misdemeanor conviction or prior misdemeanor juvenile adjudication..... 2 points
- (f) The offender has no prior misdemeanor convictions or prior misdemeanor juvenile adjudications..... 0 points

(2) All of the following apply to scoring record variable 5:

(a) Except as provided in subdivision (b), count a prior misdemeanor conviction or prior misdemeanor juvenile adjudication only if it is a crime against a person or property, a controlled substance crime, or a weapon offense enumerated in chapter XXXVII of the Michigan penal code, 1931 PA 328, MCL 750.222 to 750.239a. Do not count a prior conviction used to enhance the sentencing offense to a felony.

(b) Count all prior misdemeanor convictions and prior misdemeanor juvenile adjudications for operating a vehicle, vessel, aircraft, or locomotive while under the influence of or impaired by alcohol, a controlled substance, or a combination of alcohol and a controlled substance. Do not count a prior conviction used to enhance the sentencing offense to a felony.

(3) As used in this section:

(a) “Prior misdemeanor conviction” means a conviction for a misdemeanor under a law of this state, a political subdivision of this state, another state, a political subdivision of another state, or the United States if the conviction was entered before the sentencing offense was committed.

(b) “Prior misdemeanor juvenile adjudication” means a juvenile adjudication for conduct that if committed by an adult would be a misdemeanor under a law of this state, a political subdivision of this state, another state, a political subdivision of another state, or the United States if the order of disposition was entered before the sentencing offense was committed.

Sec. 56. (1) Prior record variable 6 is relationship to the criminal justice system. Score prior record variable 6 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) The offender is a prisoner of the department of corrections or serving a sentence in jail 20 points

- (b) The offender is incarcerated in jail awaiting adjudication or sentencing on a conviction or probation violation..... 15 points
- (c) The offender is on parole, probation, or delayed sentence status or on bond awaiting adjudication or sentencing for a felony..... 10 points
- (d) The offender is on probation or delayed sentence status or on bond awaiting adjudication or sentencing for a misdemeanor..... 5 points
- (e) The offender has no relationship to the criminal justice system..... 0 points

(2) Score the appropriate points under this section if the offender is involved with the criminal justice system in another state or United States.

(3) As used in this section:

(a) "Delayed sentence status" includes, but is not limited to, an individual assigned or deferred under any of the following:

- (i) Section 7411 of the public health code, 1978 PA 368, MCL 333.7411.
- (ii) Section 350a of the Michigan penal code, 1931 PA 328, MCL 750.350a.
- (iii) Sections 11 to 15 of chapter II.
- (iv) Section 4a of chapter IX.

(b) "Prisoner of the department of corrections or serving a sentence in jail" includes an individual who is an escapee.

Sec. 57. (1) Prior record variable 7 is subsequent or concurrent felony convictions. Score prior record variable 7 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- (a) The offender has 2 or more subsequent or concurrent convictions..... 20 points
- (b) The offender has 1 subsequent or concurrent conviction..... 10 points
- (c) The offender has no subsequent or concurrent convictions..... 0 points

(2) All of the following apply to scoring record variable 7:

(a) Score the appropriate point value if the offender was convicted of multiple felony counts or was convicted of a felony after the sentencing offense was committed.

(b) Do not score a felony firearm conviction in this variable.

(c) Do not score a concurrent felony conviction if a consecutive sentence will result from that conviction.

PART 6

SENTENCING GRIDS

Sec. 61. The following are the minimum sentence ranges for class M2:

PRIOR RECORD VARIABLE LEVEL						
Offense Variable Level	A 0 points	B 1-9 points	C 10-24 points	D 25-49 points	E 50-74 points	F 75+ points
I						
0-49 points	90-150	144-240	162-270	180-300 or life	225-375 or life	270-450 or life
II						
50-99 points	144-240	162-270	180-300 or life	225-375 or life	270-450 or life	315-525 or life
III						
100+ points	162-270 or life	180-300 or life	225-375 or life	270-450 or life	315-525 or life	365-600 or life

Sec. 62. The following are the minimum sentence ranges for class A:

PRIOR RECORD VARIABLE LEVEL						
Offense Variable Level	A 0 points	B 1-9 points	C 10-24 points	D 25-49 points	E 50-74 points	F 75+ points
I						
0-19 points	21-35	27-45	42-70	51-85	81-135	108-180

Offense Variable Level	A 0 points	B 1-9 points	C 10-24 points	D 25-49 points	E 50-74 points	F 75+ points
II 20-39 points	27-45	42-70	51-85	81-135	108-180	126-210
III 40-59 points	42-70	51-85	81-135	108-180	126-210	135-225
IV 60-79 points	51-85	81-135	108-180	126-210	135-225	171-285
V 80-99 points	81-135	108-180	126-210	135-225	171-285	225-375 or life
VI 100+ points	108-180	126-210	135-225	171-285	225-375 or life	270-450 or life

Sec. 63. The following are the minimum sentence ranges for class B:

PRIOR RECORD VARIABLE LEVEL						
Offense Variable Level	A 0 points	B 1-9 points	C 10-24 points	D 25-49 points	E 50-74 points	F 75+ points
I 0-9 points	0-18	12-20	24-40	36-60	51-85	72-120
II 10-24 points	12-20	15-25	30-50	51-85	72-120	78-130
III 25-34 points	15-25	21-35	36-60	57-95	78-130	84-140
IV 35-49 points	21-35	24-40	45-75	72-120	84-140	87-145
V 50-74 points	24-40	36-60	51-85	78-130	87-145	99-160
VI 75+ points	36-60	45-75	57-95	84-140	99-160	117-160

Sec. 64. The following are the minimum sentence ranges for class C:

PRIOR RECORD VARIABLE LEVEL						
Offense Variable Level	A 0 points	B 1-9 points	C 10-24 points	D 25-49 points	E 50-74 points	F 75+ points
I 0-9 points	0-11	0-17	10-19	12-24	19-38	29-57
II 10-24 points	0-17	5-17	12-24	19-38	29-57	36-71
III 25-34 points	10-19	12-24	19-38	29-57	36-71	43-86
IV 35-49 points	12-24	19-38	29-57	36-71	43-86	50-100

Offense Variable Level	A 0 points	B 1-9 points	C 10-24 points	D 25-49 points	E 50-74 points	F 75+ points
V 50-74 points	19-38	29-57	36-71	43-86	50-100	58-114
VI 75+ points	29-57	36-71	43-86	50-100	58-114	62-114

Sec. 65. The following are the minimum sentence ranges for class D:

PRIOR RECORD VARIABLE LEVEL

Offense Variable Level	A 0 points	B 1-9 points	C 10-24 points	D 25-49 points	E 50-74 points	F 75+ points
I 0-9 points	0-6	0-9	0-11	0-17	5-23	10-23
II 10-24 points	0-9	0-11	0-17	5-23	10-23	19-38
III 25-34 points	0-11	0-17	5-23	10-23	19-38	29-57
IV 35-49 points	0-17	5-23	10-23	19-38	29-57	34-67
V 50-74 points	5-23	10-23	19-38	29-57	34-67	38-76
VI 75+ points	10-23	19-38	29-57	34-67	38-76	43-76

Sec. 66. The following are the minimum sentence ranges for class E:

PRIOR RECORD VARIABLE LEVEL

Offense Variable Level	A 0 points	B 1-9 points	C 10-24 points	D 25-49 points	E 50-74 points	F 75+ points
I 0-9 points	0-3	0-6	0-9	5-23	7-23	9-23
II 10-24 points	0-6	0-9	0-11	7-23	10-23	12-24
III 25-34 points	0-9	0-11	0-17	10-23	12-24	14-29
IV 35-49 points	0-11	0-17	5-23	12-24	14-29	19-38
V 50-74 points	0-14	5-23	7-23	14-29	19-38	22-38
VI 75+ points	0-17	7-23	12-24	19-38	22-38	24-38

Sec. 67. The following are the minimum sentence ranges for class F:

PRIOR RECORD VARIABLE LEVEL						
Offense Variable Level	A 0 points	B 1-9 points	C 10-24 points	D 25-49 points	E 50-74 points	F 75+ points
I 0-9 points	0-3	0-6	0-9	2-17	5-23	10-23
II 10-34 points	0-6	0-9	0-17	5-23	10-23	12-24
III 35-74 points	0-9	0-17	2-17	10-23	12-24	14-29
IV 75+ points	0-17	2-17	5-23	12-24	14-29	17-30

Sec. 68. The following are the minimum sentence ranges for class G:

PRIOR RECORD VARIABLE LEVEL						
Offense Variable Level	A 0 points	B 1-9 points	C 10-24 points	D 25-49 points	E 50-74 points	F 75+ points
I 0-9 points	0-3	0-6	0-9	0-11	0-17	2-17
II 10-15 points	0-6	0-9	0-11	0-17	2-17	5-23
III 16+ points	0-9	0-11	0-17	2-17	5-23	7-23

Sec. 69. The following are the minimum sentence ranges for class H:

PRIOR RECORD VARIABLE LEVEL						
Offense Variable Level	A 0 points	B 1-9 points	C 10-24 points	D 25-49 points	E 50-74 points	F 75+ points
I 0-9 points	0-1	0-3	0-6	0-9	0-11	0-17
II 10-15 points	0-3	0-6	0-9	0-11	0-17	2-17
III 16+ points	0-6	0-9	0-11	0-17	2-17	5-17

Enacting section 1. This amendatory act takes effect December 15, 1998.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 89th Legislature are enacted into law:

- (a) Senate Bill No. 826.
- (b) House Bill No. 4065.
- (c) House Bill No. 4444.

- (d) House Bill No. 4445.
- (e) House Bill No. 4446.
- (f) House Bill No. 4515.
- (g) House Bill No. 5398.
- (h) House Bill No. 5876.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.