

HOUSE BILL NO. 5456

October 21, 2021, Introduced by Reps. Mueller and LaGrand and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XVII (MCL 777.22), as amended by 2003 PA 134, and by adding section 49e to chapter XVII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVII

1
2 Sec. 22. (1) For all crimes against a person, score offense
3 variables 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 19, and 20.
4 Score offense variables 5 and 6 for homicide, attempted homicide,

1 conspiracy or solicitation to commit a homicide, or assault with
2 intent to commit murder. Score offense variable 16 under this
3 subsection for a violation or attempted violation of section 110a
4 of the Michigan penal code, 1931 PA 328, MCL 750.110a. Score
5 offense variables 17 and 18 if the offense or attempted offense
6 involves the operation of a vehicle, vessel, ORV, snowmobile,
7 aircraft, or locomotive.

8 (2) For all crimes against property, score offense variables
9 1, 2, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20.

10 (3) For all crimes involving a controlled substance, score
11 offense variables 1, 2, 3, 12, 13, 14, 15, 19, and 20.

12 (4) For all crimes against public order and all crimes against
13 public trust, score offense variables 1, 3, 4, 9, 10, 12, 13, 14,
14 16, 19, and 20.

15 (5) For all crimes against public safety, score offense
16 variables 1, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20. Score offense
17 variable 18 if the offense or attempted offense involves the
18 operation of a vehicle, vessel, ORV, snowmobile, aircraft, or
19 locomotive.

20 **(6) Subject to the provisions of this subsection, for all**
21 **crimes to which it is applicable to the facts of the case, the**
22 **court shall score offense variable 24. Offense variable 24 must be**
23 **scored after the scoring of offense variables 1, 2, 3, 4, 5, 6, 7,**
24 **8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20. However, in**
25 **no case may the scoring of offense variables 24, 27, 29, 30, 32,**
26 **and 34 result in the reduction of a defendant's offense variable**
27 **score by more than 2 offense variable levels on the applicable**
28 **sentencing grid.**

29 **Sec. 49e. Offense variable 24 is voluntary payment of**

1 restitution. The court shall score offense variable 24 by
2 determining if either of the following applies and by reducing the
3 defendant's offense variable score by not more than 10 points as
4 the court considers appropriate:

5 (a) The defendant has filled out a form, under
6 penalty of perjury or contempt of court, attesting to
7 his or her financial condition and provided that form to
8 the court and has made a substantial effort to provide
9 restitution to any victim to whom restitution is owed
10 taking into account the defendant's financial
11 abilities..... subtract 5 points

12 (b) The defendant has provided complete restitution
13 to any victim to whom restitution is owed.... subtract 10 points

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.