

**SUBSTITUTE FOR  
HOUSE BILL NO. 4433**

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending sections 9 of chapter VI and 16i of chapter XVII (MCL  
766.9 and 777.16i) section 9 of chapter VI as amended by 1988 PA  
106 and section 16i of chapter XVII as amended by 2024 PA 80.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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CHAPTER VI

Sec. 9. (1) Upon the motion of any party, the examining  
magistrate may close to members of the general public the  
preliminary examination of a person charged with criminal sexual  
conduct in any degree, assault with intent to commit criminal  
sexual conduct, ~~sedomy,~~ **bestiality**, gross indecency, or any other  
offense involving sexual misconduct if all of the following



1 conditions are met:

2 (a) The magistrate determines that the need for protection of  
3 a victim, a witness, or the defendant outweighs the public's right  
4 of access to the examination.

5 (b) The denial of access to the examination is narrowly  
6 tailored to accommodate the interest being protected.

7 (c) The magistrate states on the record the specific reasons  
8 for ~~his or her~~ **the magistrate's** decision to close the examination  
9 to members of the general public.

10 (2) In determining whether closure of the preliminary  
11 examination is necessary to protect a victim or witness, the  
12 magistrate shall consider all of the following:

13 (a) The psychological condition of the victim or witness.

14 (b) The nature of the offense charged against the defendant.

15 (c) The desire of the victim or witness to have the  
16 examination closed to the public.

17 (3) The magistrate may close a preliminary examination to  
18 protect the right of a party to a fair trial only if both of the  
19 following apply:

20 (a) There is a substantial probability that the party's right  
21 to a fair trial will be prejudiced by publicity that closure would  
22 prevent.

23 (b) Reasonable alternatives to closure cannot adequately  
24 protect the party's right to a fair trial.

25 CHAPTER XVII

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

28 M.C.L.	Category	Class	Description	Stat Max
29 750.158	Pub ord	E	<del>Sodomy</del> <b>Bestiality</b>	15



1	750.159j	Pub saf	B	Racketeering	20
2	750.160	Pub ord	D	Disinterring or	10
3				mutilating dead human	
4				body	
5	750.160a	Pub ord	H	Photographing dead	2
6				human body	
7	750.160c	Pub ord	D	Improper disposal of	10
8				dead human body after	
9				more than 180 days	
10	750.160d(1)	Person	G	Sexual contact	2
11				committed with a dead	
12				human body	
13	750.160d(2)	Person	C	Sexual penetration	15
14				committed with a dead	
15				human body	
16	750.161	Pub ord	G	Desertion,	3
17				abandonment, or	
18				nonsupport	
19	750.164	Pub ord	F	Desertion to escape	4
20				prosecution	
21	750.165	Pub ord	F	Failing to pay support	4
22	750.168(2)(a)	Pub ord	G	Disorderly conduct at	2
23				a funeral, memorial	
24				service, viewing,	
25				procession, or burial	



1	750.168(2)(b)	Pub ord	F	Disorderly conduct at	4
2				a funeral, memorial	
3				service, viewing,	
4				procession, or burial	
5				– subsequent offense	
6	750.174(4)	Property	E	Embezzlement by agent	5
7				of \$1,000 to \$20,000,	
8				or with prior	
9				convictions, or of	
10				\$200 to \$1,000 from	
11				nonprofit corporation	
12				or charitable	
13				organization	
14	750.174(5)	Property	D	Embezzlement by agent	10
15				of \$20,000 to \$50,000,	
16				or with prior	
17				convictions, or of	
18				\$1,000 to \$20,000 from	
19				nonprofit corporation	
20				or charitable	
21				organization	
22	750.174(6)	Property	C	Embezzlement by agent	15
23				of \$50,000 to \$100,000	
24	750.174(7)	Property	B	Embezzlement by agent	20
25				of \$100,000 or more	
26	750.174a(4)	Property	E	Embezzlement from	5
27				vulnerable adult of	
28				\$1,000 to \$20,000 or	
29				with prior convictions	



1	750.174a (5)	Property	D	Embezzlement from	10
2				vulnerable adult of	
3				\$20,000 to \$50,000 or	
4				with prior convictions	
5	750.174a (6)	Property	C	Embezzlement from	15
6				vulnerable adult of	
7				\$50,000 to \$100,000 or	
8				with prior convictions	
9	750.174a (7)	Property	B	Embezzlement from	20
10				vulnerable adult of	
11				\$100,000 or more or	
12				with prior convictions	
13	750.175	Pub trst	D	Embezzlement by public	10
14				officer of more than	
15				\$50	
16	750.176	Pub trst	E	Embezzlement by	10
17				administrator,	
18				executor, or guardian	
19	750.177 (2)	Property	D	Embezzlement by	10
20				chattel mortgagor of	
21				\$20,000 or more or	
22				with prior convictions	
23	750.177 (3)	Property	E	Embezzlement by	5
24				chattel mortgagor of	
25				\$1,000 to \$20,000 or	
26				with prior convictions	



1	750.178(2)	Property	D	Embezzling mortgaged	10
2				or leased property of	
3				\$20,000 or with prior	
4				convictions	
5	750.178(3)	Property	E	Embezzling mortgaged	5
6				or leased property of	
7				\$1,000 to \$20,000 or	
8				with prior convictions	
9	750.180	Property	D	Embezzlement by	20
10				financial institution	
11	750.181(4)	Property	E	Embezzling jointly	5
12				held property with	
13				value of \$1,000 to	
14				\$20,000 or with prior	
15				convictions	
16	750.181(5)	Property	D	Embezzling jointly	10
17				held property with	
18				value of \$20,000 or	
19				more or with prior	
20				convictions	
21	750.182	Property	G	Embezzlement by	4
22				warehouses	
23	750.182a	Pub trst	H	Falsifying school	2
24				records	

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

27           Enacting section 2. This amendatory act does not take effect  
28 unless House Bill No. 4431 of the 102nd Legislature is enacted into  
29 law.

