

2000 PUBLIC AND LOCAL ACTS

[No. 300]

(HB 4997)

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 17 of chapter XVII (MCL 777.17), as amended by 2000 PA 279.

The People of the State of Michigan enact:

CHAPTER XVII

**777.17 §§ 752.191 to 801.263; felonies to which chapter applicable.
[M.S.A. 28.1274(27)]**

Sec. 17. (1) 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
752.273(2)(c)	Pub saf	F	Sale or distribution of nitrous oxide device—2 or more prior convictions	4
752.365(3)	Pub ord	G	Obscenity—subsequent offense	2
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
752.797(1)(c)	Property	E	Computer fraud—2 prior convictions or value of \$1,000 to \$20,000	5

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752.797(1)(d)	Property	D	Computer fraud—3 or more prior convictions or value of \$20,000 or more	10
752.797(2)(a)	Property	E	Unlawfully accessing computer, computer system, or computer program	5
752.797(2)(b)	Property	D	Unlawfully accessing computer, computer system, or computer program, with prior conviction	10
752.797(3)(b)	Variable	G	Using computer to commit crime punishable by a maximum term of imprisonment of more than 1 year but less than 2 years	2
752.797(3)(c)	Variable	F	Using computer to commit crime punishable by a maximum term of imprisonment of at least 2 years but less than 4 years	4
752.797(3)(d)	Variable	D	Using computer to commit crime punishable by a maximum term of imprisonment of at least 4 years but less than 10 years	7
752.797(3)(e)	Variable	D	Using computer to commit crime punishable by a maximum term of imprisonment of at least 10 years but less than 20 years	10
752.797(3)(f)	Variable	B	Using computer to commit crime punishable by a maximum term of imprisonment of at least 20 years or for life	20
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—subsequent offense	20

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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
767a.9(a)	Pub trst	C	Perjury committed in prosecutor's investigative hearing—noncapital crime	15
767a.9(b)	Pub trst	B	Perjury committed in prosecutor's investigative hearing—capital crime	Life
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
801.262(1)(a)	Pub saf	E	Bringing weapon into jail	5
801.262(1)(b)	Pub saf	E	Furnishing weapon to prisoner in jail	5
801.262(2)	Pub saf	E	Prisoner in jail possessing weapon	5
801.263(1)	Pub saf	H	Furnishing contraband to prisoner in jail	5
801.263(2)	Pub saf	H	Prisoner in jail possessing contraband	5

(2) For a violation of section 797(3) of 1979 PA 53, MCL 752.797, determine the offense category, offense variable level, and prior record variable level based on the underlying offense.

Effective date.

Enacting section 1. This amendatory act takes effect January 1, 2001.

Conditional effective date.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4996 of the 90th Legislature is enacted into law.

This act is ordered to take immediate effect.

Approved October 9, 2000.

Filed with Secretary of State October 11, 2000.