

**SENATE SUBSTITUTE FOR**

**HOUSE BILL NO. 5392**

(As amended by the Senate, February 13, 2002)  
(Page 1 of 2)

A bill 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 31 of chapter IX and section 11 of chapter XVII (MCL 769.11 and 777.11), section 31 of chapter IX as amended by 1998 PA 317 and section 11 of chapter XVII as amended by 2001 PA 154, and by adding sections 11a, 11b, 11c, 11d, and 11e to chapter XVII; and to repeal acts and parts of acts.

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

**CHAPTER IX**

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

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

(A) ~~(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.

(B) ~~(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.

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

(D) ~~(e)~~ "Offense characteristics" means the elements of the crime and the aggravating and mitigating factors relating to the offense that the ~~commission~~ LEGISLATURE 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.

- (E) ~~(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 XIIIA 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 XIIIA 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.~~

CHAPTER XVII

Sec. 11. This chapter applies to ~~the following~~ felonies enumerated in chapters 1 to 199 of the Michigan Compiled Laws ~~AS SET FORTH IN SECTIONS 11A TO 11E OF THIS CHAPTER.~~

<del>M.C.L.</del>	<del>Category</del>	<del>Class</del>	<del>Description</del>	<del>Stat</del>	<del>Max</del>
4.421(1)	Pub trst	G	Lobbyists--compensation contingent on outcome of action		3
4.421(2)	Pub trst	G	Lobbyists giving gifts		3

HB 5392, As Passed Senate, February 13, 2002

House Bill No. 5392

2

1	<del>18.366(1)(c)</del>	<del>Property</del>	<del>E</del>	<del>False presentation to</del>	
2				<del>crime victim services</del>	
3				<del>commission to obtain</del>	
4				<del>\$1,000 to \$20,000 or</del>	
5				<del>with prior convictions</del>	<del>5</del>
6	<del>18.366(1)(d)</del>	<del>Property</del>	<del>D</del>	<del>False presentation to</del>	
7				<del>crime victim services</del>	
8				<del>commission to obtain</del>	
9				<del>\$20,000 or more or with</del>	
10				<del>prior convictions</del>	<del>10</del>
11	<del>18.1268(9)</del>	<del>Pub trst</del>	<del>H</del>	<del>Purposefully submitting</del>	
12				<del>false business</del>	
13				<del>certification</del>	<del>Fine</del>
14	<del>21.154</del>	<del>Pub trst</del>	<del>E</del>	<del>Public</del>	
15				<del>officer--embezzlement</del>	<del>5</del>
16	<del>28.214</del>	<del>Pub trst</del>	<del>F</del>	<del>Unauthorized disclosure</del>	
17				<del>of information from</del>	
18				<del>LEIN--subsequent</del>	
19				<del>offense</del>	<del>4</del>
20	<del>28.293(1)</del>	<del>Pub ord</del>	<del>E</del>	<del>False information when</del>	
21				<del>applying for state ID</del>	<del>5</del>
22	<del>28.293(2)</del>	<del>Pub ord</del>	<del>D</del>	<del>False information when</del>	
23				<del>applying for state</del>	
24				<del>ID--second offense</del>	<del>7</del>
25	<del>28.293(3)</del>	<del>Pub ord</del>	<del>C</del>	<del>False information when</del>	
26				<del>applying for state</del>	
27				<del>ID--third or subsequent</del>	
28				<del>offense</del>	<del>15</del>
29	<del>28.295(1)(a)</del>	<del>Pub ord</del>	<del>H</del>	<del>Forging state ID card to</del>	
30				<del>commit felony</del>	<del>4</del>
31	<del>28.295(3)</del>	<del>Property</del>	<del>H</del>	<del>Using stolen state ID</del>	
32				<del>card to commit felony</del>	<del>Variable</del>
33	<del>28.295a(1)</del>	<del>Pub ord</del>	<del>H</del>	<del>False representation to</del>	
34				<del>obtain or misuse per-</del>	
35				<del>sonal information</del>	<del>4</del>
36	<del>28.295a(2)</del>	<del>Pub ord</del>	<del>G</del>	<del>False representation to</del>	
37				<del>obtain or misuse per-</del>	
38				<del>sonal</del>	
39				<del>information--second</del>	
40				<del>offense</del>	<del>7</del>
41	<del>28.295a(3)</del>	<del>Pub ord</del>	<del>C</del>	<del>False representation to</del>	
42				<del>obtain or misuse</del>	

HB 5392, As Passed Senate, February 13, 2002

House Bill No. 5392

3

1				personal	
2				information--third or	
3				subsequent offense	15
4	28.422	Pub saf	F	Pistols--license applica-	
5				tion forgery	4
6	28.422a(4)	Pub saf	F	False statement on pistol	
7				sales record	4
8	28.425b(3)	Pub saf	F	False statement on con-	
9				cealed pistol permit	
10				application	4
11	28.425j(2)	Pub saf	F	Unlawful granting or	
12				presenting of pistol	
13				training certificate	4
14	28.425o(3)(c)	Pub saf	F	Carrying concealed pistol	
15				in prohibited	
16				place--third or subse-	
17				quent offense	4
18	28.435	Pub saf	G	Firearm sale without	
19				trigger lock, gun case,	
20				or storage	
21				container--third or	
22				subsequent offense	2
23	28.729(1)(a)	Pub ord	F	Failure to register as a	
24				sex offender, first	
25				offense	4
26	28.729(1)(b)	Pub ord	D	Failure to register as a	
27				sex offender, second	
28				offense	7
29	28.729(1)(c)	Pub ord	D	Failure to register as a	
30				sex offender, third or	
31				subsequent offense	10
32	35.929	Pub trst	H	Willful falsification in	
33				application for veter-	
34				ans benefits	3
35	35.980	Pub trst	H	False statement in appli-	
36				cation for Korean vet-	
37				erans benefits	3
38	35.1029	Pub trst	H	False statement in appli-	
39				cation for Vietnam vet-	
40				erans benefits	3

HB 5392, As Passed Senate, February 13, 2002

House Bill No. 5392

4

1	38.412a(1)	Pub trst	H	County employee providing	
2				answers to county civil	
3				service exam	1
4	38.516	Pub trst	H	Fire and police civil	
5				service--appointment or	
6				employment contrary to	
7				act	2
8	45.82	Pub trst	E	County purchasing	
9				agent--violations in	
10				awarding bids or	
11				contracts	5
12	47.8	Pub trst	H	Payment of claim against	
13				county before audit	2
14	47.56	Pub trst	H	Wayne County treasurer	
15				paying claims without	
16				appropriate signature	2
17	51.364	Pub trst	H	Appointment or selection	
18				contrary to civil serv-	
19				ice commission rules	2
20	110.28	Pub trst	G	Fourth class	
21				cities--misappropriation	
22				of money or property	3
23	117.25(3)	Pub trst	E	Amendment to city	
24				electors--willfully	
25				affixing another's sig-	
26				nature, false	
27				representation	15
28	125.1447(1)(c)	Property	E	False pretenses under	
29				state housing develop-	
30				ment act involving	
31				\$1,000 to \$20,000 or	
32				with prior convictions	5
33	125.1447(1)(d)	Property	D	False pretenses under	
34				state housing develop-	
35				ment authority act	
36				involving \$20,000 or	
37				more or with prior	
38				convictions	10
39	168.731(4)	Pub trst	G	Election law--filing cer-	
40				tain false statements	2
41	168.734	Pub trst	G	Election law--election	
42				board refusing to	

HB 5392, As Passed Senate, February 13, 2002

House Bill No. 5392

5

1				provide challenger	
2				conveniences	2
3	<del>168.756</del>	<del>Pub trst</del>	<del>E</del>	<del>Elector's false statement</del>	
4				<del>concerning inability to</del>	
5				<del>mark ballot</del>	5
6	<del>168.757</del>	<del>Pub trst</del>	<del>E</del>	<del>Election</del>	
7				<del>inspector--unlawful</del>	
8				<del>conduct</del>	5
9	<del>168.759(8)</del>	<del>Pub trst</del>	<del>E</del>	<del>Forged signature on</del>	
10				<del>absentee ballot</del>	5
11	<del>168.759b</del>	<del>Pub trst</del>	<del>E</del>	<del>False statement in appli-</del>	
12				<del>cation for emergency</del>	
13				<del>absentee ballot</del>	5
14	<del>168.761(5)</del>	<del>Pub trst</del>	<del>E</del>	<del>Assisting an absentee</del>	
15				<del>voter in making a false</del>	
16				<del>statement</del>	5
17	<del>168.769(4)</del>	<del>Pub trst</del>	<del>E</del>	<del>Voting both in person and</del>	
18				<del>by absentee ballot</del>	5
19	<del>168.792a(11)</del>	<del>Pub trst</del>	<del>E</del>	<del>Disclosing how ballot</del>	
20				<del>voted or election</del>	
21				<del>results early before</del>	
22				<del>polls are closed</del>	5
23	<del>168.792a(16)</del>	<del>Pub trst</del>	<del>E</del>	<del>Disclosing election</del>	
24				<del>result or how ballot</del>	
25				<del>voted</del>	5
26	<del>168.808</del>	<del>Pub trst</del>	<del>E</del>	<del>Untrue statement by</del>	
27				<del>member of board of</del>	
28				<del>inspectors</del>	4
29	<del>168.873</del>	<del>Pub trst</del>	<del>E</del>	<del>Misconduct of election</del>	
30				<del>employee in</del>	
31				<del>recount--county and</del>	
32				<del>local</del>	5
33	<del>168.887</del>	<del>Pub trst</del>	<del>E</del>	<del>Misconduct of election</del>	
34				<del>employee in recount</del>	5
35	<del>168.932(a)</del>	<del>Pub trst</del>	<del>E</del>	<del>Bribing or intimidating</del>	
36				<del>voters</del>	5
37	<del>168.932(b)</del>	<del>Pub trst</del>	<del>E</del>	<del>Ballot tampering</del>	5
38	<del>168.932(c)</del>	<del>Pub trst</del>	<del>E</del>	<del>Destroying or falsifying</del>	
39				<del>election return or</del>	
40				<del>records</del>	5

HB 5392, As Passed Senate, February 13, 2002

House Bill No. 5392

6

1	<del>168.932(d)</del>	<del>Pub trst</del>	<del>E</del>	<del>Disclosing votes or</del>	
2				<del>obstructing voter</del>	<del>5</del>
3	<del>168.932(e)</del>	<del>Pub trst</del>	<del>E</del>	<del>Absentee ballot tampering</del>	<del>5</del>
4	<del>168.932(f)</del>	<del>Pub trst</del>	<del>E</del>	<del>Election law--possess</del>	
5				<del>absent voter ballot</del>	
6				<del>delivered to another</del>	
7				<del>person</del>	<del>5</del>
8	<del>168.932(g)</del>	<del>Pub trst</del>	<del>E</del>	<del>Suggesting how a disabled</del>	
9				<del>voter should vote</del>	<del>5</del>
10	<del>168.932(h)</del>	<del>Pub trst</del>	<del>E</del>	<del>Suggesting or influencing</del>	
11				<del>how an absentee voter</del>	
12				<del>should vote</del>	<del>5</del>
13	<del>168.932(i)</del>	<del>Pub trst</del>	<del>E</del>	<del>Organizing a meeting</del>	
14				<del>where absentee voter</del>	
15				<del>ballots are to be voted</del>	<del>5</del>
16	<del>168.932a</del>	<del>Pub trst</del>	<del>G</del>	<del>Election offenses</del>	<del>4</del>
17	<del>168.933</del>	<del>Pub trst</del>	<del>E</del>	<del>False swearing to regis-</del>	
18				<del>ter or vote</del>	<del>5</del>
19	<del>168.936</del>	<del>Pub trst</del>	<del>E</del>	<del>Election law--perjury</del>	<del>5</del>
20	<del>168.937</del>	<del>Pub trst</del>	<del>E</del>	<del>Election law--forgery</del>	<del>5</del>
21	<del>169.254</del>	<del>Pub trst</del>	<del>H</del>	<del>Campaign</del>	
22				<del>finance--corporate</del>	
23				<del>contributions</del>	<del>3</del>
24	<del>169.255</del>	<del>Pub trst</del>	<del>H</del>	<del>Campaign</del>	
25				<del>finance--corporate</del>	
26				<del>solicitation for cer-</del>	
27				<del>tain funds</del>	<del>3</del>
28	<del>169.266</del>	<del>Pub trst</del>	<del>H</del>	<del>Campaign</del>	
29				<del>finance--qualified cam-</del>	
30				<del>paign expenditures</del>	<del>3</del>

31           SEC. 11A. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES  
 32 ENUMERATED IN CHAPTERS 1 TO 27 OF THE MICHIGAN COMPILED LAWS:

33	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
34	4.421(1)	PUB TRST	G	LOBBYISTS--COMPENSATION	
35				CONTINGENT ON OUTCOME	
36				OF ACTION	3

**HB 5392, As Passed Senate, February 13, 2002**

House Bill No. 5392 7

1	4.421(2)	PUB TRST	G	LOBBYISTS GIVING GIFTS	3
2	18.366(1)(C)	PROPERTY	E	FALSE PRESENTATION TO	
3				CRIME VICTIM SERVICES	
4				COMMISSION TO OBTAIN	
5				\$1,000 TO \$20,000 OR	
6				WITH PRIOR CONVICTIONS	5
7	18.366(1)(D)	PROPERTY	D	FALSE PRESENTATION TO	
8				CRIME VICTIM SERVICES	
9				COMMISSION TO OBTAIN	
10				\$20,000 OR MORE OR WITH	
11				PRIOR CONVICTIONS	10
12	18.1268(9)	PUB TRST	H	PURPOSEFULLY SUBMITTING	
13				FALSE BUSINESS	
14				CERTIFICATION	FINE
15	21.154	PUB TRST	E	PUBLIC	
16				OFFICER--EMBEZZLEMENT	5
17	SEC. 11B. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES				
18	ENUMERATED IN CHAPTER 28 OF THE MICHIGAN COMPILED LAWS:				
19	<b>M.C.L.</b>	<b>CATEGORY</b>	<b>CLASS</b>	<b>DESCRIPTION</b>	<b>STAT MAX</b>
20	28.214	PUB TRST	F	UNAUTHORIZED DISCLOSURE	
21				OF INFORMATION FROM	
22				LEIN--SUBSEQUENT	
23				OFFENSE	4
24	28.293(1)	PUB ORD	E	FALSE INFORMATION WHEN	
25				APPLYING FOR STATE ID	5
26	28.293(2)	PUB ORD	D	FALSE INFORMATION WHEN	
27				APPLYING FOR STATE	
28				ID--SECOND OFFENSE	7
29	28.293(3)	PUB ORD	C	FALSE INFORMATION WHEN	
30				APPLYING FOR STATE	
31				ID--THIRD OR SUBSEQUENT	
32				OFFENSE	15
33	28.295(1)(A)	PUB ORD	H	FORGING STATE ID CARD TO	
34				COMMIT FELONY	4
35	28.295(3)	PROPERTY	H	USING STOLEN STATE ID	
36				CARD TO COMMIT FELONY	VARIABLE
37	28.295A(1)	PUB ORD	H	FALSE REPRESENTATION TO	
38				OBTAIN OR MISUSE	
39				PERSONAL INFORMATION	4

HB 5392, As Passed Senate, February 13, 2002

House Bill No. 5392		8			
1	28.295A(2)	PUB ORD	G	FALSE REPRESENTATION TO	
2				OBTAIN OR MISUSE PER-	
3				SONAL	
4				INFORMATION--SECOND	
5				OFFENSE	7
6	28.295A(3)	PUB ORD	C	FALSE REPRESENTATION TO	
7				OBTAIN OR MISUSE PER-	
8				SONAL	
9				INFORMATION--THIRD OR	
10				SUBSEQUENT OFFENSE	15
11	28.422	PUB SAF	F	PISTOLS--LICENSE APPLICA-	
12				TION FORGERY	4
13	28.422A(4)	PUB SAF	F	FALSE STATEMENT ON PISTOL	
14				SALES RECORD	4
15	28.425B(3)	PUB SAF	F	FALSE STATEMENT ON CON-	
16				CEALED PISTOL PERMIT	
17				APPLICATION	4
18	28.425J(2)	PUB SAF	F	UNLAWFUL GRANTING OR	
19				PRESENTING OF PISTOL	
20				TRAINING CERTIFICATE	4
21	28.4250(3)(C)	PUB SAF	F	CARRYING CONCEALED PISTOL	
22				IN PROHIBITED	
23				PLACE--THIRD OR SUBSE-	
24				QUENT OFFENSE	4
25	28.435	PUB SAF	G	FIREARM SALE WITHOUT	
26				TRIGGER LOCK, GUN CASE,	
27				OR STORAGE	
28				CONTAINER--THIRD OR	
29				SUBSEQUENT OFFENSE	2
30	28.729(1)(A)	PUB ORD	F	FAILURE TO REGISTER AS A	
31				SEX OFFENDER, FIRST	
32				OFFENSE	4
33	28.729(1)(B)	PUB ORD	D	FAILURE TO REGISTER AS A	
34				SEX OFFENDER, SECOND	
35				OFFENSE	7
36	28.729(1)(C)	PUB ORD	D	FAILURE TO REGISTER AS A	
37				SEX OFFENDER, THIRD OR	
38				SUBSEQUENT OFFENSE	10
39	SEC. 11C. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES				
40	ENUMERATED IN CHAPTERS 29 TO 167 OF THE MICHIGAN COMPILED LAWS:				

HB 5392, As Passed Senate, February 13, 2002

House Bill No. 5392

9

1	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT	MAX
2	35.929	PUB TRST	H	WILLFUL FALSIFICATION IN APPLICATION FOR VETERANS BENEFITS	3	
3						
4						
5	35.980	PUB TRST	H	FALSE STATEMENT IN APPLICATION FOR KOREAN VETERANS BENEFITS	3	
6						
7						
8	35.1029	PUB TRST	H	FALSE STATEMENT IN APPLICATION FOR VIETNAM VETERANS BENEFITS	3	
9						
10						
11	38.412A(1)	PUB TRST	H	COUNTY EMPLOYEE PROVIDING ANSWERS TO COUNTY CIVIL SERVICE EXAM	1	
12						
13						
14	38.516	PUB TRST	H	FIRE AND POLICE CIVIL SERVICE--APPOINTMENT OR EMPLOYMENT CONTRARY TO ACT	2	
15						
16						
17						
18	45.82	PUB TRST	E	COUNTY PURCHASING AGENT--VIOLATIONS IN AWARDING BIDS OR CONTRACTS	5	
19						
20						
21						
22	47.8	PUB TRST	H	PAYMENT OF CLAIM AGAINST COUNTY BEFORE AUDIT	2	
23						
24	47.56	PUB TRST	H	WAYNE COUNTY TREASURER PAYING CLAIMS WITHOUT APPROPRIATE SIGNATURE	2	
25						
26						
27	51.364	PUB TRST	H	APPOINTMENT OR SELECTION CONTRARY TO CIVIL SERVICE COMMISSION RULES	2	
28						
29						
30	110.28	PUB TRST	G	FOURTH CLASS CITIES--MISAPPROPRIATION OF MONEY OR PROPERTY	3	
31						
32						
33	117.25(3)	PUB TRST	E	AMENDMENT TO CITY ELECTORS--WILLFULLY AFFIXING ANOTHER'S SIGNATURE, FALSE REPRESENTATION	15	
34						
35						
36						
37						
38	125.1447(1)(C)	PROPERTY	E	FALSE PRETENSES UNDER STATE HOUSING DEVELOPMENT ACT INVOLVING \$1,000 TO \$20,000 OR WITH PRIOR CONVICTIONS	5	
39						
40						
41						
42						

**HB 5392, As Passed Senate, February 13, 2002**

House Bill No. 5392 10

1 125.1447(1)(D) PROPERTY D FALSE PRETENSES UNDER  
 2 STATE HOUSING DEVELOP-  
 3 MENT AUTHORITY ACT  
 4 INVOLVING \$20,000 OR  
 5 MORE OR WITH PRIOR  
 6 CONVICTIONS 10

7 SEC. 11D. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES  
 8 ENUMERATED IN CHAPTER 168 OF THE MICHIGAN COMPILED LAWS:

9	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
10 11	168.731(4)	PUB TRST	G	ELECTION LAW--FILING CER- TAIN FALSE STATEMENTS	2
12 13 14 15	168.734	PUB TRST	G	ELECTION LAW--ELECTION BOARD REFUSING TO PRO- VIDE CHALLENGER CONVENIENCES	2
16 17 18	168.756	PUB TRST	E	ELECTOR'S FALSE STATEMENT CONCERNING INABILITY TO MARK BALLOT	5
19 20 21	168.757	PUB TRST	E	ELECTION INSPECTOR--UNLAWFUL CONDUCT	5
22 23	168.759(8)	PUB TRST	E	FORGED SIGNATURE ON ABSENTEE BALLOT	5
24 25 26	168.759B	PUB TRST	E	FALSE STATEMENT IN APPLI- CATION FOR EMERGENCY ABSENTEE BALLOT	5
27 28 29	168.761(5)	PUB TRST	E	ASSISTING AN ABSENTEE VOTER IN MAKING A FALSE STATEMENT	5
30 31	168.769(4)	PUB TRST	E	VOTING BOTH IN PERSON AND BY ABSENTEE BALLOT	5
32 33 34 35	168.792A(11)	PUB TRST	E	DISCLOSING HOW BALLOT VOTED OR ELECTION RESULTS EARLY BEFORE POLLS ARE CLOSED	5
36 37 38	168.792A(16)	PUB TRST	E	DISCLOSING ELECTION RESULT OR HOW BALLOT VOTED	5

**HB 5392, As Passed Senate, February 13, 2002**

House Bill No. 5392

11

1	168.808	PUB TRST	E	UNTRUE STATEMENT BY	
2				MEMBER OF BOARD OF	
3				INSPECTORS	4
4	168.873	PUB TRST	E	MISCONDUCT OF ELECTION	
5				EMPLOYEE IN	
6				RECOUNT--COUNTY AND	
7				LOCAL	5
8	168.887	PUB TRST	E	MISCONDUCT OF ELECTION	
9				EMPLOYEE IN RECOUNT	5
10	168.932(A)	PUB TRST	E	BRIBING OR INTIMIDATING	
11				VOTERS	5
12	168.932(B)	PUB TRST	E	BALLOT TAMPERING	5
13	168.932(C)	PUB TRST	E	DESTROYING OR FALSIFYING	
14				ELECTION RETURN OR	
15				RECORDS	5
16	168.932(D)	PUB TRST	E	DISCLOSING VOTES OR	
17				OBSTRUCTING VOTER	5
18	168.932(E)	PUB TRST	E	ABSENTEE BALLOT TAMPERING	5
19	168.932(F)	PUB TRST	E	ELECTION LAW--POSSESS	
20				ABSENT VOTER BALLOT	
21				DELIVERED TO ANOTHER	
22				PERSON	5
23	168.932(G)	PUB TRST	E	SUGGESTING HOW A DISABLED	
24				VOTER SHOULD VOTE	5
25	168.932(H)	PUB TRST	E	SUGGESTING OR INFLUENCING	
26				HOW AN ABSENTEE VOTER	
27				SHOULD VOTE	5
28	168.932(I)	PUB TRST	E	ORGANIZING A MEETING	
29				WHERE ABSENTEE VOTER	
30				BALLOTS ARE TO BE VOTED	5
31	168.932A	PUB TRST	G	ELECTION OFFENSES	4
32	168.933	PUB TRST	E	FALSE SWEARING TO REGIS-	
33				TER OR VOTE	5
34	168.936	PUB TRST	E	ELECTION LAW--PERJURY	5
35	168.937	PUB TRST	E	ELECTION LAW--FORGERY	5
36	SEC. 11E. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES				
37	ENUMERATED IN CHAPTERS 169 TO 199 OF THE MICHIGAN COMPILED LAWS:				

**HB 5392, As Passed Senate, February 13, 2002**

House Bill No. 5392 as amended February 13, 2002

12

1	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT	MAX
2	169.254	PUB TRST	H	CAMPAIGN		
3				FINANCE--CORPORATE		
4				CONTRIBUTIONS		3
5	169.255	PUB TRST	H	CAMPAIGN		
6				FINANCE--CORPORATE		
7				SOLICITATION FOR CER-		
8				TAIN FUNDS		3
9	169.266	PUB TRST	H	CAMPAIGN		
10				FINANCE--QUALIFIED CAM-		
11				PAIGN EXPENDITURES		3
	Enacting section 1. Sections 32 and 33 of chapter IX of the code of					
	criminal procedure, 1927 PA 175, MCL 769.32 and 769.33, are repealed.					
12	Enacting section 2. This amendatory act takes effect April					
13	1, 2002.					