

HOUSE BILL No. 5322

October 23, 2001, Introduced by Reps. Sanborn, Patterson, Jelinek, Pappageorge, Kowall, Howell, Raczkowski, Birkholz, Ehardt, Basham, Pumford, Stewart, Switalski, Toy, Vander Veen, Richardville, Mortimer, Tabor, DeVuyst, Stamas, Jansen, Faunce and O'Neil and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 2b to chapter XI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XI

2 SEC. 2B. (1) THE COURT MAY PLACE AN INDIVIDUAL CONVICTED OF
3 A VIOLATION DESCRIBED IN SUBSECTION (4) ON PROBATION FOR ANY TERM
4 OF YEARS BUT NOT LESS THAN 5 YEARS.

5 (2) IF THE INDIVIDUAL IS PLACED ON PROBATION UNDER THIS SEC-
6 TION, THE COURT MAY ORDER THE INDIVIDUAL, AS A CONDITION OF PRO-
7 BATION, NOT TO ENGAGE IN ALL OF THE FOLLOWING CONDUCT:

8 (A) RESIDE IN HOUSING THAT IS LOCATED WITHIN 1 MILE OF A
9 SCHOOL.

10 (B) ENTER UPON SCHOOL PROPERTY.

1 (3) AN INDIVIDUAL PLACED ON PROBATION UNDER THIS SECTION IS
2 ALSO SUBJECT TO THE REQUIREMENTS OF SECTION 3 OF THIS CHAPTER.

3 (4) THIS SECTION APPLIES TO A VIOLATION OR ATTEMPTED VIOLA-
4 TION OF ANY OF THE FOLLOWING:

5 (A) SECTION 158 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
6 MCL 750.158 (SODOMY), IF THE VICTIM IS LESS THAN 18 YEARS OF
7 AGE.

8 (B) SECTION 335A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
9 MCL 750.335A (INDECENT EXPOSURE), IF THE VICTIM IS LESS THAN
10 18 YEARS OF AGE.

11 (C) SECTION 350 OF THE MICHIGAN PENAL CODE, 1931 PA 328,
12 MCL 750.350 (LEADING, TAKING, CARRYING AWAY, DECOYING, OR ENTIC-
13 ING AWAY CHILD UNDER 14 YEARS OF AGE).

14 (D) SECTION 520B OF THE MICHIGAN PENAL CODE, 1931 PA 328,
15 MCL 750.520B (FIRST DEGREE CRIMINAL SEXUAL CONDUCT), IF THE
16 VICTIM IS LESS THAN 18 YEARS OF AGE.

17 (E) SECTION 520C OF THE MICHIGAN PENAL CODE, 1931 PA 328,
18 MCL 750.520C (SECOND DEGREE CRIMINAL SEXUAL CONDUCT), IF THE
19 VICTIM IS LESS THAN 18 YEARS OF AGE.

20 (F) SECTION 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328,
21 MCL 750.520D (THIRD DEGREE CRIMINAL SEXUAL CONDUCT), IF THE
22 VICTIM IS LESS THAN 18 YEARS OF AGE.

23 (G) SECTION 520E OF THE MICHIGAN PENAL CODE, 1931 PA 328,
24 MCL 750.520E (FOURTH DEGREE CRIMINAL SEXUAL CONDUCT), IF THE
25 VICTIM IS LESS THAN 18 YEARS OF AGE.

1 (H) SECTION 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328,
2 MCL 750.520G (ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL
3 CONDUCT), IF THE VICTIM IS LESS THAN 18 YEARS OF AGE.

4 (I) A LAW OF THE UNITED STATES, ANOTHER STATE, OR A POLITI-
5 CAL SUBDIVISION OF THIS STATE OR ANOTHER STATE SUBSTANTIALLY COR-
6 RESPONDING TO A VIOLATION DESCRIBED IN SUBDIVISIONS (A) TO (H).

7 (5) AS USED IN THIS SECTION:

8 (A) "SCHOOL" MEANS A PUBLIC, PRIVATE, DENOMINATIONAL, OR
9 PAROCHIAL SCHOOL OFFERING DEVELOPMENTAL KINDERGARTEN, KINDERGAR-
10 TEN, OR ANY GRADE FROM 1 THROUGH 12.

11 (B) "SCHOOL PROPERTY" MEANS A BUILDING, PLAYING FIELD, OR
12 PROPERTY USED FOR SCHOOL PURPOSES TO IMPART INSTRUCTION TO CHIL-
13 DREN OR USED FOR FUNCTIONS AND EVENTS SPONSORED BY A SCHOOL,
14 EXCEPT A BUILDING USED PRIMARILY FOR ADULT EDUCATION OR COLLEGE
15 EXTENSION COURSES.

16 Enacting section 1. This amendatory act does not take
17 effect unless Senate Bill No. _____ or House Bill No. 5323
18 (request no. 04887'01 *) of the 91st Legislature is enacted into
19 law.