

# SENATE BILL No. 344

March 13, 2007, Introduced by Senator KUIPERS and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 16 and 16z of chapter XVII (MCL 777.16 and 777.16z), section 16 as added by 1998 PA 317 and section 16z as amended by 2006 PA 655, by amending the headings of chapter XVII and part 2 of chapter XVII, and by adding sections 16aa and 16bb to chapter XVII.

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

CHAPTER XVII

SENTENCING GUIDELINES

PART 2

INCLUDED FELONIES

Sec. 16. This chapter applies to felonies enumerated in chapter 750 of the Michigan Compiled Laws as set forth in

1 sections 16a to ~~16z~~16BB of this chapter.

2       Sec. 16z. This chapter applies to the following felonies  
3 enumerated in chapter 750 of the Michigan Compiled Laws:

4	M.C.L.	Category	Class	Description	Stat Max
5	<del>750.520b(2)</del> 750.535(2)	Property	D	Receiving or concealing stolen property having a value of \$20,000 or more or with prior convictions	10
6	750.535(3)	Property	E	Receiving or concealing stolen property having a value of \$1,000 to \$20,000 or with prior convictions	5
7	750.535(7)	Property	E	Receiving or concealing stolen motor vehicle	5
8	750.535a(2)	Pub ord	D	Operating a chop shop	10
9	750.535a(3)	Pub ord	D	Operating a chop shop, subsequent violation	10
10	750.535b	Pub saf	E	Stolen firearms or ammunition	10
11	<del>750.539e</del>	<del>Pub ord</del>	<del>H</del>	<del>Eavesdropping</del>	<del>2</del>
12	<del>750.539d(3)(a)(i)</del>	<del>Pub ord</del>	<del>H</del>	<del>Installing, placing, or using eavesdropping device</del>	<del>2</del>
13	<del>750.539d(3)(a)(ii)</del>	<del>Pub ord</del>	<del>E</del>	<del>Installing, placing, or using eavesdropping device — subsequent offense</del>	<del>5</del>
14	<del>750.539d(3)(b)</del>	<del>Pub ord</del>	<del>E</del>	<del>Distributing, disseminating, or transmitting recording or image obtained by eavesdropping</del>	<del>5</del>
15	<del>750.539e</del>	<del>Pub ord</del>	<del>H</del>	<del>Divulging or using information obtained by eavesdropping</del>	<del>2</del>

1	<del>750.539f</del>	<del>Pub ord</del>	<del>—H</del>	<del>Manufacture or possession of eavesdropping device</del>	<del>—2</del>
2	<del>750.539j(2)(a)(i)</del>	<del>Pub ord</del>	<del>—H</del>	<del>Lewd surveillance or capturing lewd image</del>	<del>—2</del>
3	<del>750.539j(2)(a)(ii)</del>	<del>Pub ord</del>	<del>—E</del>	<del>Lewd surveillance or capturing lewd image — subsequent offense</del>	<del>—5</del>
4	<del>750.539j(2)(b)</del>	<del>Pub ord</del>	<del>—E</del>	<del>Distributing, disseminating, or transmitting visual image obtained by surveillance</del>	<del>—5</del>
5	<del>750.540(5)(a)</del>	<del>Pub ord</del>	<del>—H</del>	<del>Damaging, destroying, using, or obstructing use of electronic medium of communication</del>	<del>—2</del>
6	<del>750.540(5)(b)</del>	<del>Person</del>	<del>—F</del>	<del>Damaging, destroying, using, or obstructing use of electronic medium of communication resulting in injury or death</del>	<del>—4</del>
7	<del>750.540e(4)</del>	<del>Property</del>	<del>—F</del>	<del>Telecommunication violation</del>	<del>—4</del>
8	<del>750.540f(2)</del>	<del>Property</del>	<del>—E</del>	<del>Knowingly publishing a communications access device with prior convictions</del>	<del>—5</del>
9	<del>750.540g(1)(c)</del>	<del>Property</del>	<del>—E</del>	<del>Diverting telecommunication services having a value of \$1,000 to \$20,000 or with prior convictions</del>	<del>—5</del>
10	<del>750.540g(1)(d)</del>	<del>Property</del>	<del>—D</del>	<del>Diverting telecommunications services having a value of \$20,000 or more or with prior convictions</del>	<del>—10</del>
11	<del>750.543f</del>	<del>Person</del>	<del>—A</del>	<del>Terrorism without causing death</del>	<del>—Life</del>

1	<del>750.543h(3)(a)</del>	<del>Pub ord</del>	<del>—B</del>	<del>Hindering prosecution of terrorism—certain terrorist acts</del>	<del>—20</del>
2	<del>750.543h(3)(b)</del>	<del>Pub ord</del>	<del>—A</del>	<del>Hindering prosecution of terrorism—act of terrorism</del>	<del>—Life</del>
3	<del>750.543k</del>	<del>Pub saf</del>	<del>—B</del>	<del>Soliciting or providing material support for terrorism or terrorist acts</del>	<del>—20</del>
4	<del>750.543m</del>	<del>Pub ord</del>	<del>—B</del>	<del>Threat or false report of terrorism</del>	<del>—20</del>
5	<del>750.543p</del>	<del>Pub saf</del>	<del>—B</del>	<del>Use of internet or telecommunications to commit certain terrorist acts</del>	<del>—20</del>
6	<del>750.543r</del>	<del>Pub saf</del>	<del>—B</del>	<del>Possession of vulnerable target information with intent to commit certain terrorist acts</del>	<del>—20</del>
7	<del>750.545</del>	<del>Pub ord</del>	<del>—E</del>	<del>Misprision of treason</del>	<del>—5</del>
8	<del>750.552b</del>	<del>Property</del>	<del>—F</del>	<del>Trespassing on correctional facility property</del>	<del>—4</del>
9	<del>750.552e</del>	<del>Pub saf</del>	<del>—F</del>	<del>Trespass upon key facility</del>	<del>—4</del>

10           **SEC. 16AA. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES**  
11 **ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:**

12	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
13	750.539C	PUB ORD	H	EAVESDROPPING	2
14	750.539D(3)(A)(i)	PUB ORD	H	INSTALLING, PLACING, OR USING EAVESDROPPING DEVICE	2

1	750.539D(3) (A) (ii)	PUB ORD	E	INSTALLING, PLACING, OR USING EAVESDROPPING DEVICE — SUBSEQUENT OFFENSE	5
2	750.539D(3) (B)	PUB ORD	E	DISTRIBUTING, DISSEMINATING, OR TRANSMITTING RECORDING OR IMAGE OBTAINED BY EAVESDROPPING	5
3	750.539E	PUB ORD	H	DIVULGING OR USING INFORMATION OBTAINED BY EAVESDROPPING	2
4	750.539F	PUB ORD	H	MANUFACTURE OR POSSESSION OF EAVESDROPPING DEVICE	2
5	750.539J(2) (A) (i)	PUB ORD	H	LEWD SURVEILLANCE OR CAPTURING LEWD IMAGE	2
6	750.539J(2) (A) (ii)	PUB ORD	E	LEWD SURVEILLANCE OR CAPTURING LEWD IMAGE — SUBSEQUENT OFFENSE	5
7	750.539J(2) (B)	PUB ORD	E	DISTRIBUTING, DISSEMINATING, OR TRANSMITTING VISUAL IMAGE OBTAINED BY SURVEILLANCE	5
8	750.540(5) (A)	PUB ORD	H	DAMAGING, DESTROYING, USING, OR OBSTRUCTING USE OF ELECTRONIC MEDIUM OF COMMUNICATION	2
9	750.540(5) (B)	PERSON	F	DAMAGING, DESTROYING, USING, OR OBSTRUCTING USE OF ELECTRONIC MEDIUM OF COMMUNICATION RESULTING IN INJURY OR DEATH	4
10	750.540C(4)	PROPERTY	F	TELECOMMUNICATION VIOLATION	4
11	750.540F(2)	PROPERTY	E	KNOWINGLY PUBLISHING A COMMUNICATIONS ACCESS DEVICE WITH PRIOR CONVICTIONS	5
12	750.540G(1) (C)	PROPERTY	E	DIVERTING TELECOMMUNICATION SERVICES HAVING A VALUE OF \$1,000 TO \$20,000 OR WITH PRIOR CONVICTIONS	5

1	750.540G(1) (D)	PROPERTY	D	DIVERTING TELECOMMUNICATIONS SERVICES HAVING A VALUE OF \$20,000 OR MORE OR WITH PRIOR CONVICTIONS	10
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2           SEC. 16BB. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES  
3 ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:

4	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
5	750.543F	PERSON	A	TERRORISM WITHOUT CAUSING DEATH	LIFE
6	750.543H(3) (A)	PUB ORD	B	HINDERING PROSECUTION OF TERRORISM – CERTAIN TERRORIST ACTS	20
7	750.543H(3) (B)	PUB ORD	A	HINDERING PROSECUTION OF TERRORISM – ACT OF TERRORISM	LIFE
8	750.543K	PUB SAF	B	SOLICITING OR PROVIDING MATERIAL SUPPORT FOR TERRORISM OR TERRORIST ACTS	20
9	750.543M	PUB ORD	B	THREAT OR FALSE REPORT OF TERRORISM	20
10	750.543P	PUB SAF	B	USE OF INTERNET OR TELECOMMUNICATIONS TO COMMIT CERTAIN TERRORIST ACTS	20
11	750.543R	PUB SAF	B	POSSESSION OF VULNERABLE TARGET INFORMATION WITH INTENT TO COMMIT CERTAIN TERRORIST ACTS	20
12	750.545	PUB ORD	E	MISPRISION OF TREASON	5
13	750.552B	PROPERTY	F	TRESPASSING ON CORRECTIONAL FACILITY PROPERTY	4

