

HOUSE BILL NO. 6212

September 15, 2020, Introduced by Reps. Wendzel, LaGrand, Stone and Peterson and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XVII (MCL 777.22), as amended by 2003 PA 134, and by adding section 49m to chapter XVII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVII

1
2 Sec. 22. (1) For all crimes against a person, score offense
3 variables 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 19, and 20.



1 Score offense variables 5 and 6 for homicide, attempted homicide,
2 conspiracy or solicitation to commit a homicide, or assault with
3 intent to commit murder. Score offense variable 16 under this
4 subsection for a violation or attempted violation of section 110a
5 of the Michigan penal code, 1931 PA 328, MCL 750.110a. Score
6 offense variables 17 and 18 if the offense or attempted offense
7 involves the operation of a vehicle, vessel, ORV, snowmobile,
8 aircraft, or locomotive.

9 (2) For all crimes against property, score offense variables
10 1, 2, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20.

11 (3) For all crimes involving a controlled substance, score
12 offense variables 1, 2, 3, 12, 13, 14, 15, 19, and 20.

13 (4) For all crimes against public order and all crimes against
14 public trust, score offense variables 1, 3, 4, 9, 10, 12, 13, 14,
15 16, 19, and 20.

16 (5) For all crimes against public safety, score offense
17 variables 1, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20. Score offense
18 variable 18 if the offense or attempted offense involves the
19 operation of a vehicle, vessel, ORV, snowmobile, aircraft, or
20 locomotive.

21 (6) **For all crimes to which it is applicable to the facts of**
22 **the case, the court may, in its discretion, score offense variable**
23 **32. Offense variable 32 must be scored after the scoring of offense**
24 **variables 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,**
25 **17, 18, 19, and 20.**

26 **Sec. 49m. Offense variable 32 is substance use disorder**
27 **treatment. The court may, as it determines is appropriate to the**
28 **facts of the case, score offense variable 32 by determining if**
29 **either of the following applies and by reducing the defendant's**



1 offense variable score by the highest number of points applicable
2 under offense variable 32:

3 (a) The defendant has sought and is actively
4 receiving substance use disorder treatments..... subtract 5 points

5 (b) The defendant presents strong evidence
6 that he or she is taking actions to significantly
7 address his or her substance use disorder issues subtract 10 points

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

