

HOUSE BILL NO. 6217

September 15, 2020, Introduced by Reps. Bolden, LaGrand 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 49g to chapter XVII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER XVII

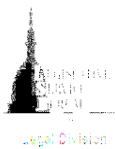
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Sec. 22. (1) For all crimes against a person, score offense
variables 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 19, and 20.

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Score offense variables 5 and 6 for homicide, attempted homicide,



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

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

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

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

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

20 (6) For all crimes to which it is applicable to the facts of
21 the case, the court may, in its discretion, score offense variable
22 26. Offense variable 26 must be scored after the scoring of offense
23 variables 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
24 17, 18, 19, and 20.

25 **Sec. 49g. (1) Offense variable 26 is impact on the victim. The**
26 **court may score offense variable 26 by determining if any of the**
27 **following apply and by either reducing or increasing the**
28 **defendant's variable score by the highest number of points that the**
29 **court considers appropriate under offense variable 26:**



1 (a) The victim believes that the punishment is
2 insufficient..... 5 points

3 (b) The victim believes that the punishment is
4 excessive..... subtract 5 points

5 (c) The victim articulates reasons why the
6 defendant's sentencing guidelines score, without the
7 addition of points under this offense variable, does not
8 accurately reflect the severity of the impact of the
9 crime on the victim..... 10 points

10 (d) The victim articulates reasons why the
11 defendant's sentencing guidelines score, without
12 subtracting points under this offense variable, does not
13 accurately reflect the limited impact the crime has had
14 on the victim..... subtract 10 points

15 (2) As used in this section, "victim" includes the victim of a
16 crime and the victim's immediate family if the victim is less than
17 18 years of age, is a vulnerable adult as that term is defined in
18 section 145m of the Michigan penal code, 1931 PA 328, MCL 750.145m,
19 or is deceased.

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

