

# HOUSE BILL NO. 5454

October 21, 2021, Introduced by Reps. LaGrand and Liberati 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 49j to chapter XVII.

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

**1** CHAPTER XVII

**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.  
**4** Score offense variables 5 and 6 for homicide, attempted homicide,  
**5** conspiracy or solicitation to commit a homicide, or assault with

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

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

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

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

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

19 (6) **Subject to the provisions of this subsection, for all**  
20 **crimes to which it is applicable to the facts of the case, the**  
21 **court shall score offense variable 29. Offense variable 29 must be**  
22 **scored after the scoring of offense variables 1, 2, 3, 4, 5, 6, 7,**  
23 **8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20. However, in**  
24 **no case may the scoring of offense variables 24, 27, 29, 30, 32,**  
25 **and 34 result in the reduction of a defendant's offense variable**  
26 **score by more than 2 offense variable levels on the applicable**  
27 **sentencing grid.**

28 **Sec. 49j. (1) Offense variable 29 is victim-offender**  
29 **mediation. Subject to subsection (2) the court shall, as it**

1 determines is appropriate to the facts of the case, score offense  
2 variable 29 by determining if either of the following applies and  
3 by reducing the defendant's offense variable score by the highest  
4 number of points applicable under offense variable 29:

5 (a) The defendant has successfully completed  
6 a mediation process approved by the prosecutor of  
7 the case with the victim or victims of the  
8 offense..... subtract 5 points

9 (b) The victim or victims request a 10-point  
10 reduction at the conclusion of a mediation  
11 process approved by the prosecutor of the case  
12 with the victim or victims of the offense..... subtract 10 points

13 (2) Offense variable 29 must not be scored in cases of  
14 domestic violence, stalking, human trafficking, criminal sexual  
15 conduct, or strangulation or if any victim of the offense is an  
16 immediate family member of the defendant or has a history of a  
17 dating relationship with the defendant.

18 (3) As used in this section:

19 (a) "Successful completion" means that the victim or victims  
20 in the case who participated in the mediation agree that the  
21 defendant has successfully completed mediation, including having at  
22 a minimum articulated acceptance of responsibility for the harm  
23 caused by the defendant.

24 (b) "Victim" includes the victim of a crime and the victim's  
25 immediate family if the victim is less than 18 years of age, is a  
26 vulnerable adult as that term is defined in section 145m of the  
27 Michigan penal code, 1931 PA 328, MCL 750.145m, or is deceased.

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