

SENATE BILL NO. 78

February 16, 2023, Introduced by Senators CAVANAGH, BAYER, SINGH, HERTEL, MCMORROW, SHINK, MCCANN, IRWIN, WOJNO, POLEHANKI, MOSS, CHANG, GEISS, CAMILLERI, MCDONALD RIVET, CHERRY, KLINEFELT, SANTANA, BRINKS and ANTHONY and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 11b and 16m of chapter XVII (MCL 777.11b and 777.16m), section 11b as amended by 2016 PA 234 and section 16m as amended by 2018 PA 637.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XVII
2 Sec. 11b. This chapter applies to the following felonies
3 enumerated in chapter 28 of the Michigan Compiled Laws:
4 **M.C.L. Category Class Description Stat Max**

1	28.214(6)(b)	Pub trst	F	Unauthorized	4
2				disclosure of	
3				information from LEIN	
4				– subsequent offense	
5	28.293(1)	Pub ord	E	False information when	5
6				applying for state ID	
7	28.293(2)	Pub ord	D	False information when	7
8				applying for state ID	
9				– second offense	
10	28.293(3)	Pub ord	C	False information when	15
11				applying for state ID	
12				– third or subsequent	
13				offense	
14	28.295(1)(a)	Pub ord	D	Counterfeiting or	10
15				forging state ID card	
16				or using counterfeited	
17				or forged state ID	
18				card to commit felony	
19				punishable by	
20				imprisonment for 10	
21				years or more	

1	28.295(1)(b)	Pub ord	E	Counterfeiting or	5
2				forging state ID card	
3				or using counterfeited	
4				or forged state ID	
5				card to commit felony	
6				punishable by	
7				imprisonment for less	
8				than 10 years or a	
9				misdemeanor punishable	
10				by more than 6 months	
11	28.295(2)	Pub ord	E	Selling counterfeited	5
12				or forged state ID	
13				card or possessing	
14				counterfeited or	
15				forged state ID card	
16				with intent to deliver	
17				to another person or	
18				possessing 2 or more	
19				counterfeited or	
20				forged state ID cards	
21	28.295(5)	Property	H	Using stolen state ID	Variable
22				card to commit felony	
23	28.295a(1)	Pub ord	H	False representation	4
24				to obtain or misuse	
25				personal information	
26	28.295a(2)	Pub ord	G	False representation	7
27				to obtain or misuse	
28				personal information –	
29				second offense	

1	28.295a(3)	Pub ord	C	False representation	15
2				to obtain or misuse	
3				personal information –	
4				third or subsequent	
5				offense	
6	28.308	Pub saf	E	False certification or	5
7				statement in	
8				application for	
9				enhanced driver	
10				license or enhanced	
11				official state	
12				personal	
13				identification card	
14	28.422(14)	Pub saf	F	Forgery on pistol	4
15				firearm license	
16				application	
17	28.422a(5)	Pub saf	F	False statement on	4
18				pistol firearm sales	
19				record	
20	28.425b(3)	Pub saf	F	False statement on	4
21				concealed pistol	
22				permit application	
23	28.425j(3)	Pub saf	F	Unlawful granting or	4
24				presenting of pistol	
25				training certificate	

1	28.425o(6)(c)	Pub saf	F	Carrying concealed	4
2				pistol or electro-	
3				muscular disruption	
4				device in prohibited	
5				place – third or	
6				subsequent offense	
7	28.435(14)(c)	Pub saf	G	Firearm sale without	2
8				trigger lock, gun	
9				case, or storage	
10				container – third or	
11				subsequent offense	
12	28.454(1)	Pub saf	G	Consumer fireworks	2
13				certificate violation	
14	28.468(1)(c)	Pub saf	E	Michigan fireworks	5
15				safety act violation	
16				causing serious	
17				impairment	
18	28.468(1)(d)	Pub saf	C	Michigan fireworks	15
19				safety act violation	
20				causing death	
21	28.516(2)	Pub saf	F	False statement on	4
22				concealed firearm	
23				certificate	
24				application	
25	28.674	Pub saf	F	False report of a	4
26				public threat	
27	28.729(1)(a)	Pub ord	F	Failure to register as	4
28				a sex offender, first	
29				offense	

1	28.729(1)(b)	Pub ord	D	Failure to register as	7
2				a sex offender, second	
3				offense	
4	28.729(1)(c)	Pub ord	D	Failure to register as	10
5				a sex offender, third	
6				or subsequent offense	
7	28.729(2)	Pub ord	F	Failure to update sex	2
8				offender registration	
9				information	
10	28.734(2)(b)	Pub trst	G	Student safety zone	2
11				violation involving	
12				work or loitering --	
13				subsequent offense	
14	28.735(2)(b)	Pub trst	G	Student safety zone	2
15				violation involving	
16				residency -- subsequent	
17				offense	
18	28.754(1)	Pub ord	F	False report of a	4
19				child abduction	

20 Sec. 16m. This chapter applies to the following felonies
 21 enumerated in chapter 750 of the Michigan Compiled Laws:

22	M.C.L.	Category	Class	Description	Stat Max
23	750.223(2)	Pub saf	F	Sale of firearm to	
24				minor -- subsequent	
25				offense	4
26	750.223(3)	Pub ord	D	Sale of firearm to	
27				person prohibited from	
28				possessing	10

1	750.224	Pub saf	E	Manufacture or sale of	
2				silencer, bomb,	
3				blackjack, automatic	
4				weapon, gas spray,	
5				etc.	5
6	750.224a (4)	Pub saf	F	Possession or sale of	
7				electrical current	
8				weapons	4
9	750.224a (6)	Pub saf	G	Improper use of	
10				electro-muscular	
11				disruption device	2
12	750.224b	Pub saf	E	Possession of short	
13				barreled shotgun or	
14				rifle	5
15	750.224c	Pub saf	F	Armor piercing	
16				ammunition	4
17	750.224d (2)	Person	G	Using self-defense	
18				spray device	2
19	750.224e	Pub saf	F	Manufacture/sale/posse	
20				ssion of devices to	
21				convert semiautomatic	
22				weapons	4
23	750.224f (5)	Pub saf	E	Possession or sale of	
24				firearm by felon	5
25	750.224f (6)	Pub saf	E	Possession or sale of	
26				ammunition by felon	5
27	750.226	Pub saf	E	Carrying firearm or	
28				dangerous weapon with	
29				unlawful intent	5

1	750.227	Pub saf	E	Carrying a concealed	
2				weapon	5
3	750.227a	Pub saf	F	Unlawful possession of	
4				pistol	4
5	750.227c	Pub saf	G	Possessing a loaded	
6				firearm in or upon a	
7				vehicle	2
8	750.227f	Pub saf	F	Wearing body armor	
9				during commission of	
10				certain crimes	4
11	750.227g(1)	Pub saf	F	Felon purchasing,	
12				owning, possessing, or	
13				using body armor	4
14	750.230	Pub saf	G	Altering ID mark on	
15				firearm	2
16	750.232a(3)	Pub saf	G	False statement in a	
17				pistol - firearm	
18				application	4
19	750.234a(1)(a)	Pub saf	D	Discharging firearm	
20				from vehicle	10
21	750.234a(1)(b)	Person	C	Discharging firearm	
22				from vehicle causing	
23				physical injury	15
24	750.234a(1)(c)	Person	B	Discharging firearm	
25				from vehicle causing	
26				serious impairment	20
27	750.234a(1)(d)	Person	A	Discharging firearm	
28				from vehicle causing	
29				death	Life

1	750.234b(1)	Pub saf	D	Discharging firearm at	
2				a dwelling or	
3				potentially occupied	
4				structure	10
5	750.234b(2)	Pub saf	D	Discharging firearm in	
6				a dwelling or	
7				potentially occupied	
8				structure	10
9	750.234b(3)	Pub saf	C	Discharging firearm in	
10				or at a dwelling or	
11				potentially occupied	
12				structure causing	
13				physical injury	15
14	750.234b(4)	Person	B	Discharging firearm in	
15				or at a dwelling or	
16				potentially occupied	
17				structure causing	
18				serious impairment	20
19	750.234b(5)	Person	A	Discharging firearm in	
20				or at a dwelling or	
21				potentially occupied	
22				structure causing	
23				death	Life
24	750.234c	Pub saf	F	Discharging firearm at	
25				emergency/police	
26				vehicle	4

1	750.235b(2)	Pub saf	D	Threatening to commit	
2				violent act against	
3				school students or	
4				employees on school	
5				property with an overt	
6				act toward completion	
7				or with specific	
8				intent	10
9	750.236	Person	C	Setting spring gun –	
10				death resulting	15
11	750.237(3)	Person	E	Using firearm while	
12				under the influence or	
13				impaired causing	
14				serious impairment	5
15	750.237(4)	Person	C	Using firearm while	
16				under the influence or	
17				impaired causing death	15

18 Enacting section 1. This amendatory act does not take effect
 19 unless Senate Bill No. 76 of the 102nd Legislature is enacted into
 20 law.