

# HOUSE BILL NO. 5289

November 01, 2023, Introduced by Reps. Grant, Arbit and Puri and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2020 PA 50.

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

1

CHAPTER XVII

2

Sec. 16g. (1) This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

3

| <b>1</b>  | <b>M.C.L.</b>    | <b>Category</b> | <b>Class</b> | <b>Description</b>     | <b>Stat Max</b> |
|-----------|------------------|-----------------|--------------|------------------------|-----------------|
| <b>2</b>  | 750.135          | Person          | D            | Exposing children with | 10              |
| <b>3</b>  |                  |                 |              | intent to injure or    |                 |
| <b>4</b>  |                  |                 |              | abandon                |                 |
| <b>5</b>  | 750.135a (2) (c) | Person          | D            | Leaving child          | 10              |
| <b>6</b>  |                  |                 |              | unattended in vehicle  |                 |
| <b>7</b>  |                  |                 |              | resulting in serious   |                 |
| <b>8</b>  |                  |                 |              | physical harm          |                 |
| <b>9</b>  | 750.135a (2) (d) | Person          | B            | Leaving child          | 15              |
| <b>10</b> |                  |                 |              | unattended in vehicle  |                 |
| <b>11</b> |                  |                 |              | resulting in death     |                 |
| <b>12</b> | 750.136          | Person          | B            | Female genital         | 15              |
| <b>13</b> |                  |                 |              | mutilation violation   |                 |
| <b>14</b> | 750.136a         | Person          | B            | Transporting person    | 15              |
| <b>15</b> |                  |                 |              | for purpose of female  |                 |
| <b>16</b> |                  |                 |              | genital mutilation     |                 |
| <b>17</b> | 750.136b (2)     | Person          | A            | First degree child     | Life            |
| <b>18</b> |                  |                 |              | abuse                  |                 |
| <b>19</b> | 750.136b (4) (a) | Person          | C            | Second degree child    | 10              |
| <b>20</b> |                  |                 |              | abuse – first offense  |                 |
| <b>21</b> | 750.136b (4) (b) | Person          | B            | Second degree child    | 20              |
| <b>22</b> |                  |                 |              | abuse – with prior     |                 |
| <b>23</b> |                  |                 |              | conviction             |                 |
| <b>24</b> | 750.136b (6) (a) | Person          | G            | Third degree child     | 2               |
| <b>25</b> |                  |                 |              | abuse – first offense  |                 |
| <b>26</b> | 750.136b (6) (b) | Person          | E            | Third degree child     | 5               |
| <b>27</b> |                  |                 |              | abuse – with prior     |                 |
| <b>28</b> |                  |                 |              | conviction             |                 |

|    |                |        |   |                        |      |
|----|----------------|--------|---|------------------------|------|
| 1  | 750.136b(8)(b) | Person | G | Fourth degree child    | 2    |
| 2  |                |        |   | abuse - with prior     |      |
| 3  |                |        |   | conviction             |      |
| 4  | 750.136c       | Person | B | Buying or selling an   | 20   |
| 5  |                |        |   | individual             |      |
| 6  | 750.136d(1)(a) | Person | A | First degree child     | Life |
| 7  |                |        |   | abuse in presence of   |      |
| 8  |                |        |   | another child          |      |
| 9  | 750.136d(1)(b) | Person | D | Second degree child    | 10   |
| 10 |                |        |   | abuse in presence of   |      |
| 11 |                |        |   | another child - first  |      |
| 12 |                |        |   | offense                |      |
| 13 | 750.136d(1)(c) | Person | B | Second degree child    | 20   |
| 14 |                |        |   | abuse in presence of   |      |
| 15 |                |        |   | another child - second |      |
| 16 |                |        |   | or subsequent offense  |      |
| 17 | 750.136d(1)(d) | Person | G | Third degree child     | 2    |
| 18 |                |        |   | abuse in presence of   |      |
| 19 |                |        |   | another child          |      |
| 20 | 750.145a       | Person | F | Soliciting child to    | 4    |
| 21 |                |        |   | commit an immoral act  |      |
| 22 | 750.145b       | Person | D | Accosting children for | 10   |
| 23 |                |        |   | immoral purposes with  |      |
| 24 |                |        |   | prior conviction       |      |
| 25 | 750.145c(2)(a) | Person | B | Producing child        | 20   |
| 26 |                |        |   | sexually abusive       |      |
| 27 |                |        |   | activity or material   |      |

|    |                  |        |   |                       |    |
|----|------------------|--------|---|-----------------------|----|
| 1  | 750.145c (2) (b) | Person | B | Aggravated producing  | 25 |
| 2  |                  |        |   | of child sexually     |    |
| 3  |                  |        |   | abusive activity or   |    |
| 4  |                  |        |   | material              |    |
| 5  | 750.145c (3) (a) | Person | D | Distributing,         | 7  |
| 6  |                  |        |   | promoting, or         |    |
| 7  |                  |        |   | financing the         |    |
| 8  |                  |        |   | distribution of child |    |
| 9  |                  |        |   | sexually abusive      |    |
| 10 |                  |        |   | activity or material  |    |
| 11 | 750.145c (3) (b) | Person | C | Aggravated            | 15 |
| 12 |                  |        |   | distributing,         |    |
| 13 |                  |        |   | promoting, or         |    |
| 14 |                  |        |   | financing the         |    |
| 15 |                  |        |   | distribution of child |    |
| 16 |                  |        |   | sexually abusive      |    |
| 17 |                  |        |   | activity or material  |    |
| 18 | 750.145c (4) (a) | Person | F | Possessing child      | 4  |
| 19 |                  |        |   | sexually abusive      |    |
| 20 |                  |        |   | material              |    |
| 21 | 750.145c (4) (b) | Person | B | Aggravated possession | 10 |
| 22 |                  |        |   | of child sexually     |    |
| 23 |                  |        |   | abusive material      |    |

|    |                 |          |   |                        |    |
|----|-----------------|----------|---|------------------------|----|
| 1  | 750.145d(2) (b) | Variable | G | Using internet or      | 2  |
| 2  |                 |          |   | computer to commit     |    |
| 3  |                 |          |   | crime punishable by a  |    |
| 4  |                 |          |   | maximum term of        |    |
| 5  |                 |          |   | imprisonment of at     |    |
| 6  |                 |          |   | least 1 year but less  |    |
| 7  |                 |          |   | than 2 years           |    |
| 8  | 750.145d(2) (c) | Variable | F | Using internet or      | 4  |
| 9  |                 |          |   | computer to commit     |    |
| 10 |                 |          |   | crime punishable by a  |    |
| 11 |                 |          |   | maximum term of        |    |
| 12 |                 |          |   | imprisonment of at     |    |
| 13 |                 |          |   | least 2 years but less |    |
| 14 |                 |          |   | than 4 years           |    |
| 15 | 750.145d(2) (d) | Variable | D | Using internet or      | 10 |
| 16 |                 |          |   | computer to commit     |    |
| 17 |                 |          |   | crime punishable by a  |    |
| 18 |                 |          |   | maximum term of        |    |
| 19 |                 |          |   | imprisonment of at     |    |
| 20 |                 |          |   | least 4 years but less |    |
| 21 |                 |          |   | than 10 years          |    |
| 22 | 750.145d(2) (e) | Variable | C | Using internet or      | 15 |
| 23 |                 |          |   | computer to commit     |    |
| 24 |                 |          |   | crime punishable by a  |    |
| 25 |                 |          |   | maximum term of        |    |
| 26 |                 |          |   | imprisonment of at     |    |
| 27 |                 |          |   | least 10 years but     |    |
| 28 |                 |          |   | less than 15 years     |    |

|    |                 |          |   |                        |    |
|----|-----------------|----------|---|------------------------|----|
| 1  | 750.145d(2) (f) | Variable | B | Using internet or      | 20 |
| 2  |                 |          |   | computer to commit     |    |
| 3  |                 |          |   | crime punishable by a  |    |
| 4  |                 |          |   | maximum term of        |    |
| 5  |                 |          |   | imprisonment of at     |    |
| 6  |                 |          |   | least 15 years or for  |    |
| 7  |                 |          |   | life                   |    |
| 8  | 750.145n(1)     | Person   | C | First degree           | 15 |
| 9  |                 |          |   | vulnerable adult abuse |    |
| 10 | 750.145n(2)     | Person   | F | Second degree          | 4  |
| 11 |                 |          |   | vulnerable adult abuse |    |
| 12 | 750.145n(3)     | Person   | G | Third degree           | 2  |
| 13 |                 |          |   | vulnerable adult abuse |    |
| 14 | 750.145o        | Person   | E | Death of vulnerable    | 5  |
| 15 |                 |          |   | adult caused by        |    |
| 16 |                 |          |   | unlicensed caretaker   |    |
| 17 | 750.145p(1)     | Person   | G | Commingling funds of,  | 2  |
| 18 |                 |          |   | obstructing            |    |
| 19 |                 |          |   | investigation          |    |
| 20 |                 |          |   | regarding, or filing   |    |
| 21 |                 |          |   | false information      |    |
| 22 |                 |          |   | regarding, vulnerable  |    |
| 23 |                 |          |   | adult                  |    |
| 24 | 750.145p(2)     | Person   | G | Retaliation or         | 2  |
| 25 |                 |          |   | discrimination by      |    |
| 26 |                 |          |   | caregiver against      |    |
| 27 |                 |          |   | vulnerable adult       |    |

|   |                     |               |               |   |               |
|---|---------------------|---------------|---------------|---|---------------|
| 1 | 750.145p(5)         | Person        | E             | Caregiver or licensee                     | 5             |
| 2 |                     |               |               | violation against                         |               |
| 3 |                     |               |               | vulnerable adult –                        |               |
| 4 |                     |               |               | second or subsequent                      |               |
| 5 |                     |               |               | offense                                   |               |
| 6 | <del>750.147b</del> | Person        | <del>GF</del> | <del>Ethnic</del>                         | <del>25</del> |
| 7 | <b>750.147b(3)</b>  |               |               | <del>intimidation</del> <b>Hate crime</b> |               |
| 8 | <b>750.147b(4)</b>  | <b>Person</b> | <b>D</b>      | <b>Hate crime with</b>                    | <b>10</b>     |
| 9 |                     |               |               | <b>aggravating factors</b>                |               |

10 (2) For a violation of section 145d of the Michigan penal  
 11 code, 1931 PA 328, MCL 750.145d, determine the offense category,  
 12 offense variable level, and prior record variable level based on  
 13 the underlying offense.

14 Enacting section 1. This amendatory act does not take effect  
 15 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5288 (request no.  
 16 04716'23) of the 102nd Legislature is enacted into law.