

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:

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CHAPTER XVII

Sec. 11b. This chapter applies to the following felonies enumerated in chapter 28 of the Michigan Compiled Laws:

| 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.