

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

777.41 Criminal sexual penetration.

Sec. 41. (1) Offense variable 11 is criminal sexual penetration. Score offense variable 11 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- | | |
|---|--------------|
| (a) Two or more criminal sexual penetrations occurred ... | 50
points |
| (b) One criminal sexual penetration occurred ... | 25
points |
| (c) No criminal sexual penetration occurred ... | 0
points |

(2) All of the following apply to scoring offense variable 11:

- (a) Score all sexual penetrations of the victim by the offender arising out of the sentencing offense.
- (b) Multiple sexual penetrations of the victim by the offender extending beyond the sentencing offense may be scored in offense variables 12 or 13.
- (c) Do not score points for the 1 penetration that forms the basis of a first- or third-degree criminal sexual conduct offense.

History: Add. 1998, Act 317, Eff. Dec. 15, 1998.