

SENATE BILL NO. 825

December 2, 1997, Introduced by Senators VAN REGENMORTER,
DINGELL, GEAKE and PETERS and referred to the Committee
on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending sections 8, 31, 33, and 34 of chapter IX and section
14 of chapter XI (MCL 769.8, 769.31, 769.33, 769.34, and 771.14),
section 8 of chapter IX as amended by 1994 PA 322, sections 31,
33, and 34 of chapter IX as added and section 14 of chapter XI as
amended by 1994 PA 445, and by adding chapter IXA.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IX

2 Sec. 8. (1) When a person is convicted for the first time
3 for committing a felony and the punishment prescribed by law for
4 that offense may be imprisonment in a state prison, the court
5 imposing sentence shall not fix a definite term of imprisonment,
6 but shall fix a minimum term, except as otherwise provided in
7 this chapter. The maximum penalty provided by law shall be the

1 maximum sentence in all cases except as provided in this chapter
2 and shall be stated by the judge in imposing the sentence.

3 (2) If the defendant sentenced to an indeterminate term is a
4 person who will be a prisoner subject to disciplinary time under
5 section 34 of ~~Act No. 118 of the Public Acts of 1893, being~~
6 ~~section 800.34 of the Michigan Compiled Laws~~ 1893 PA 118, MCL
7 800.34, the court shall advise the defendant that his or her min-
8 imum term may be extended by the addition of disciplinary time
9 ~~pursuant to section 34 of Act No. 118 of the Public Acts of~~
10 ~~1893~~ for misconduct while a prisoner.

11 (3) Before or at the time of imposing ~~the~~ sentence, the
12 judge shall ascertain by examining the ~~convict~~ DEFENDANT under
13 oath, or otherwise, and by other evidence as can be obtained
14 tending to indicate briefly the causes of the DEFENDANT'S crimi-
15 nal character or conduct, ~~of the convict,~~ which facts and other
16 facts that appear to be pertinent in the case ~~—~~ the judge shall
17 cause to be entered upon the minutes of the court.

18 Sec. 31. As used in this section and sections 32 to 34 of
19 this chapter:

20 (a) "Commission" means the sentencing commission created in
21 section 32 of this chapter.

22 (b) "Departure" means a sentence imposed that is not within
23 the appropriate minimum sentence range established under the sen-
24 tencing guidelines ~~developed pursuant to section 33 of this~~ SET
25 FORTH IN chapter IXA.

26 (c) "Intermediate sanction" means probation or any sanction,
27 other than imprisonment in a state prison or state reformatory,

1 that may lawfully be imposed. Intermediate sanction includes,
2 but is not limited to, 1 or more of the following:

3 (i) Inpatient or outpatient drug treatment.

4 (ii) Probation with any probation conditions required or
5 authorized by law.

6 (iii) Residential probation.

7 (iv) Probation with jail.

8 (v) Probation with special alternative incarceration.

9 (vi) Mental health treatment.

10 (vii) Mental health or substance abuse counseling.

11 (viii) Jail.

12 (ix) Jail with work or school release.

13 (x) Jail, with or without authorization for day parole under
14 ~~Act No. 60 of the Public Acts of 1962, being sections 801.251 to~~
15 ~~801.258 of the Michigan Compiled Laws~~ 1962 PA 60, MCL 801.251 TO
16 801.258.

17 (xi) Participation in a community corrections program.

18 (xii) Community service.

19 (xiii) Payment of a fine.

20 (xiv) House arrest.

21 (xv) Electronic monitoring.

22 (d) "Offender characteristics" means only the prior criminal
23 record of an offender.

24 (e) "Offense characteristics" means the elements of the
25 crime and the aggravating and mitigating factors relating to the
26 offense that the commission determines are appropriate and
27 consistent with the criteria described in section 33(1)(e) of

1 this chapter. For purposes of this subdivision, an offense
2 described in section 33b of ~~Act No. 232 of the Public Acts of~~
3 ~~1953, being section 791.233b of the Michigan Compiled Laws~~ 1953
4 PA 232, MCL 791.233B, that resulted in a conviction and that
5 arose out of the same transaction as the offense for which the
6 sentencing guidelines are being scored shall be considered as an
7 aggravating factor.

8 (f) "Prior criminal record" means all of the following:

9 (i) Misdemeanor and felony convictions.

10 (ii) Probation and parole violations involving criminal
11 activity.

12 (iii) Dispositions entered ~~pursuant to~~ UNDER section 18 of
13 chapter XIIIA of ~~Act No. 288 of the Public Acts of 1939, being~~
14 ~~section 712A.18 of the Michigan Compiled Laws~~ 1939 PA 288, MCL
15 712A.18, for acts that would have been crimes if committed by an
16 adult.

17 (iv) Assignment to youthful trainee status ~~pursuant to~~
18 UNDER sections 11 to 15 of chapter II.

19 (v) A conviction set aside ~~pursuant to Act No. 213 of the~~
20 ~~Public Acts of 1965, being sections 780.621 to 780.624 of the~~
21 ~~Michigan Compiled Laws~~ UNDER 1965 PA 213, MCL 780.621 TO
22 780.624.

23 (vi) Dispositions described in subparagraph (iii) that have
24 been set aside under section 18e of chapter XIIIA of ~~Act No. 288~~
25 ~~of the Public Acts of 1939, being section 712A.18e of the~~
26 ~~Michigan Compiled Laws~~ 1939 PA 288, MCL 712A.18E, or expunged.

1 (g) "Total capacity of state correctional facilities" means,
2 at any given time, the capacities of all permanent and temporary
3 state correctional facilities in use and all state correctional
4 facilities approved for construction ~~pursuant to~~ UNDER the
5 joint capital outlay process as of the preceding June 1.

6 Sec. 33. (1) The commission shall do all of the following:

7 (a) Collect, prepare, analyze, and disseminate information
8 regarding state and local sentencing practices for felonies and
9 the use of prisons and jails. The state court administrator
10 shall continue to collect data regarding sentencing practices and
11 shall provide the data necessary to the commission.

12 (b) Conduct on-going research regarding the impact of the
13 sentencing guidelines ~~developed pursuant to this section~~ SET
14 FORTH IN CHAPTER IXA.

15 (c) Collect, analyze, and compile data and make projections
16 regarding the populations and capacities of state and local cor-
17 rectional facilities and the impact of the sentencing guidelines
18 on those populations and capacities.

19 (d) In cooperation with the state court administrator, col-
20 lect, analyze, and compile data regarding the effect of sentenc-
21 ing guidelines on the case load, docket flow, and case backlog of
22 the trial and appellate courts of this state.

23 (e) Develop ~~sentencing guidelines, including sentence~~
24 ~~ranges for the minimum sentence for each offense and intermediate~~
25 ~~sanctions as provided in subsection (3), and~~ modifications to
26 the SENTENCING guidelines as provided in subsection ~~(5)~~ (4).

1 ~~The sentencing guidelines and any~~ ANY modifications to the
2 SENTENCING guidelines shall accomplish all of the following:

3 (i) Provide for protection of the public.

4 (ii) ~~An~~ CONSIDER AN offense involving violence against a
5 person ~~shall be considered~~ AS more severe than other offenses.

6 (iii) Be proportionate to the seriousness of the offense and
7 the offender's prior criminal record.

8 (iv) Reduce sentencing disparities based on factors other
9 than offense characteristics and offender characteristics and
10 ensure that offenders with similar offense and offender charac-
11 teristics receive substantially similar sentences.

12 (v) Specify the circumstances under which a term of impris-
13 onment is proper and the circumstances under which intermediate
14 sanctions are proper.

15 (vi) Establish sentence ranges for imprisonment that are
16 within the minimum and maximum sentences allowed by law for the
17 offenses to which the ranges apply.

18 (vii) ~~Establish~~ MAINTAIN separate sentence ranges for con-
19 victions under the habitual offender provisions in sections 10,
20 11, 12, and 13 of this chapter, which may include as an aggravat-
21 ing factor, among other relevant considerations, that the accused
22 has engaged in a pattern of proven or admitted criminal
23 behavior.

24 (viii) Establish sentence ranges the commission considers
25 appropriate.

26 (2) In developing ~~recommended~~ MODIFICATIONS TO THE
27 sentencing guidelines, the commission shall consider the

1 likelihood that the capacity of state and local correctional
2 facilities will be exceeded. The commission shall submit to the
3 legislature a prison impact report relating to any MODIFICATIONS
4 TO sentencing guidelines. ~~submitted under this section.~~ The
5 report shall include the projected impact on total capacity of
6 state correctional facilities.

7 (3) ~~The~~ MODIFICATIONS TO sentencing guidelines shall
8 include recommended intermediate sanctions for each case in which
9 the upper limit of the recommended minimum sentence range is
10 18 months or less.

11 ~~(4) The commission shall submit the recommended sentencing~~
12 ~~guidelines developed pursuant to this section to the secretary of~~
13 ~~the senate and the clerk of the house of representatives on or~~
14 ~~before July 15, 1996. If a proper request is submitted by a~~
15 ~~serving member of the legislature, the legislative service bureau~~
16 ~~shall prepare by September 15, 1996 a bill embodying the~~
17 ~~commission's recommended sentencing guidelines for introduction.~~
18 ~~If sentencing guidelines are not enacted into law by the legisla-~~
19 ~~ture by December 31, 1996, the commission shall revise the guide-~~
20 ~~lines and submit the revised sentencing guidelines to the secre-~~
21 ~~tary of the senate and the clerk of the house of representatives~~
22 ~~by March 31, 1997. If sentencing guidelines are not enacted into~~
23 ~~law by the legislature within 60 days after the commission sub-~~
24 ~~mits the revised sentencing guidelines to the secretary of the~~
25 ~~senate and the clerk of the house of representatives, the commis-~~
26 ~~sion shall revise the sentencing guidelines and submit the~~
27 ~~revised guidelines to the secretary of the senate and the clerk~~

~~1 of the house of representatives within 90 days. The revised
2 sentencing guidelines are subject to the requirements of
3 subsections (1), (2), and (3) and to the same enactment process
4 as the sentencing guidelines originally submitted pursuant to
5 this subsection. Until the legislature enacts sentencing guide-
6 lines into law, the commission shall continue to revise and
7 resubmit the sentencing guidelines to the legislature as provided
8 in this subsection.~~

9 (4) ~~(5)~~ The commission may recommend modifications to the
10 sentencing guidelines ~~enacted into law under subsection (4)~~ SET
11 FORTH IN CHAPTER IXA. Modifications of those sentencing guide-
12 lines shall not be recommended sooner than 2 years after the
13 effective date of ~~those~~ THE sentencing guidelines ~~,~~ SET FORTH
14 IN CHAPTER IXA unless the modifications are based upon omissions,
15 technical errors, changes in the law, or court decisions.
16 Subsequent modifications shall not be recommended sooner than 2
17 years after previous modifications other than modifications based
18 upon omissions, technical errors, changes in the law, or court
19 decisions. ~~Any modification proposed by the commission as per-~~
20 ~~mited under this subsection is subject to the same enactment~~
21 ~~process as set forth in subsection (4).~~

22 (5) THE COMMISSION SHALL SUBMIT ANY RECOMMENDED MODIFICA-
23 TIONS TO THE SENTENCING GUIDELINES TO THE SECRETARY OF THE SENATE
24 AND THE CLERK OF THE HOUSE OF REPRESENTATIVES. IF THE LEGISLA-
25 TURE DOES NOT ENACT MODIFICATIONS TO THE SENTENCING GUIDELINES
26 WITHIN 60 DAYS AFTER INTRODUCTION OF A BILL TO ENACT SENTENCING
27 GUIDELINES MODIFICATIONS BASED ON THE RECOMMENDATIONS, THE

1 COMMISSION SHALL REVISE THE RECOMMENDED MODIFICATIONS AND SUBMIT
2 THEM TO THE SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF
3 REPRESENTATIVES WITHIN 90 DAYS. THE REVISED MODIFICATIONS ARE
4 SUBJECT TO THE REQUIREMENTS OF SUBSECTIONS (1), (2), AND (3).
5 UNTIL THE LEGISLATURE ENACTS MODIFICATIONS TO THE SENTENCING
6 GUIDELINES INTO LAW, THE COMMISSION SHALL CONTINUE TO REVISE AND
7 RESUBMIT THE MODIFICATIONS TO THE LEGISLATURE UNDER THE SCHEDULE
8 PROVIDED IN THIS SUBSECTION.

9 Sec. 34. (1) The sentencing guidelines promulgated by order
10 of the Michigan supreme court shall not apply to felonies
11 ENUMERATED IN PART 2 OF CHAPTER IXA committed on or after the
12 effective date of the ~~act by which the legislature enacts~~ sen-
13 tencing guidelines ~~into law~~ SET FORTH IN CHAPTER IXA.

14 (2) Except AS OTHERWISE PROVIDED IN THIS SUBSECTION OR for a
15 departure from the appropriate minimum sentence range provided
16 for under subsection (3), the minimum sentence imposed by a court
17 of this state for a felony ENUMERATED IN PART 2 OF CHAPTER IXA
18 committed on or after the effective date of the ~~act first enact-~~
19 ~~ing into law the~~ sentencing guidelines ~~developed pursuant to~~
20 ~~section 33 of this~~ SET FORTH IN chapter IXA shall be within the
21 appropriate sentence range under the VERSION OF THOSE sentencing
22 guidelines in effect on the date the crime was committed. BOTH
23 OF THE FOLLOWING APPLY TO MINIMUM SENTENCES UNDER THIS
24 SUBSECTION:

25 (A) IF A STATUTE MANDATES A MINIMUM SENTENCE, THE COURT
26 SHALL IMPOSE SENTENCE IN ACCORDANCE WITH THAT STATUTE. IMPOSING

1 A MANDATORY MINIMUM SENTENCE IS NOT A DEPARTURE UNDER THIS
2 SECTION.

3 (B) THE COURT SHALL NOT IMPOSE A MINIMUM SENTENCE, INCLUDING
4 A DEPARTURE, THAT EXCEEDS 2/3 OF THE STATUTORY MAXIMUM SENTENCE.

5 (3) ~~Subject to the following limitations, a~~ A court may
6 depart from the appropriate sentence range established under the
7 sentencing guidelines ~~enacted into law pursuant to section 33 of~~
8 ~~this~~ SET FORTH IN chapter IXA if the court has a substantial and
9 compelling reason for that departure and states on the record the
10 reasons for departure. ALL OF THE FOLLOWING APPLY TO A
11 DEPARTURE:

12 (a) The court shall not use an individual's gender, race,
13 ethnicity, alienage, national origin, legal occupation, lack of
14 employment, representation by appointed legal counsel, represen-
15 tation by retained legal counsel, appearance in propria persona,
16 or religion to depart from the appropriate sentence range.

17 (b) The court shall not base a departure on an offense char-
18 acteristic or offender characteristic already taken into account
19 in determining the appropriate sentence range unless the court
20 finds from the facts contained in the court record, including the
21 presentence investigation report, that the characteristic has
22 been given inadequate or disproportionate weight.

23 (4) ~~Beginning on the effective date of the act first enact-~~
24 ~~ing into law the sentencing guidelines developed pursuant to sec-~~
25 ~~tion 33 of this chapter, if~~ INTERMEDIATE SANCTIONS SHALL BE
26 IMPOSED UNDER THIS CHAPTER AS FOLLOWS:

1 (A) IF the upper limit of the ~~appropriate~~ RECOMMENDED
2 minimum sentence RANGE for a defendant ~~convicted for a felony~~
3 ~~committed on or after that date is 18 months or less~~ DETERMINED
4 under the sentencing guidelines SET FORTH IN CHAPTER IXA IS 18
5 MONTHS OR LESS, the court shall impose an intermediate sanction
6 unless the court states on the record a substantial and compel-
7 ling reason to sentence the individual to the jurisdiction of the
8 department of corrections. AN INTERMEDIATE SANCTION MAY INCLUDE
9 A JAIL TERM THAT DOES NOT EXCEED THE UPPER LIMIT OF THE RECOM-
10 MENDED MINIMUM SENTENCE RANGE OR 12 MONTHS, WHICHEVER IS LESS.

11 (B) IF THE OFFENSE IS A VIOLATION OF SECTION 7401(2)(A)(iv)
12 OR 7403(2)(A)(iv) OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
13 333.7401 AND 333.7403, AND THE UPPER LIMIT OF THE RECOMMENDED
14 MINIMUM SENTENCE RANGE IS 18 MONTHS OR LESS, THE COURT SHALL
15 IMPOSE A SENTENCE OF LIFE PROBATION ABSENT A DEPARTURE.

16 (C) IF AN ATTEMPT TO COMMIT A FELONY DESIGNATED IN OFFENSE
17 CLASS H IN PART 2 OF THIS CHAPTER IS PUNISHABLE BY IMPRISONMENT
18 FOR MORE THAN 1 YEAR, THE COURT SHALL IMPOSE AN INTERMEDIATE
19 SANCTION UPON CONVICTION OF THAT OFFENSE ABSENT A DEPARTURE.

20 (D) IF THE UPPER LIMIT OF THE RECOMMENDED MINIMUM SENTENCE
21 EXCEEDS 18 MONTHS AND THE LOWER LIMIT OF THE RECOMMENDED MINIMUM
22 SENTENCE IS 12 MONTHS OR LESS, THE COURT SHALL SENTENCE THE
23 OFFENDER AS FOLLOWS ABSENT A DEPARTURE:

24 (i) TO IMPRISONMENT WITH A MINIMUM TERM WITHIN THAT RANGE.

25 (ii) TO AN INTERMEDIATE SANCTION THAT INCLUDES A TERM OF
26 IMPRISONMENT OF NOT LESS THAN THE MINIMUM RANGE OR MORE THAN 12
27 MONTHS.

1 (5) If a crime has a mandatory determinant penalty or a
2 mandatory penalty of life imprisonment, the court shall impose
3 that penalty. This section does not apply to sentencing for that
4 crime.

5 (6) As part of the sentence, the court may also order the
6 defendant to pay any combination of a fine, costs, or applicable
7 assessments. The court shall order payment of restitution as
8 provided by law.

9 (7) If the trial court imposes on a defendant a minimum sen-
10 tence that is longer or more severe than the appropriate sentence
11 range, as part of the court's advice of the defendant's rights
12 concerning appeal, the court shall advise the defendant orally
13 and in writing that he or she may appeal the sentence as provided
14 by law on grounds that it is longer or more severe than the
15 appropriate sentence range.

16 (8) All of the following shall be part of the record filed
17 for an appeal of a sentence under this section:

18 (a) An entire record of the sentencing proceedings.

19 (b) The presentence investigation report. Any portion of
20 the presentence investigation report exempt from disclosure by
21 law shall not be a public record.

22 (c) Any other reports or documents the sentencing court used
23 in imposing sentence.

24 (9) An appeal of a sentence under this section does not stay
25 execution of the sentence.

26 (10) If a minimum sentence is within the appropriate
27 guidelines sentence range, the court of appeals shall affirm that

1 sentence and shall not remand for resentencing absent an error in
2 scoring the sentencing guidelines or inaccurate information
3 relied upon in determining the defendant's sentence. A party
4 shall not raise on appeal an issue challenging the scoring of the
5 sentencing guidelines or challenging the accuracy of information
6 relied upon in determining a sentence that is within the appro-
7 priate guidelines sentence range unless the party has raised the
8 issue at sentencing, in a proper motion for resentencing, or in a
9 proper motion to remand filed in the court of appeals.

10 (11) If, upon a review of the record, the court of appeals
11 finds the trial court did not have a substantial and compelling
12 reason for departing from the appropriate sentence range, the
13 court shall remand the matter to the sentencing judge or another
14 trial court judge for resentencing ~~pursuant to~~ UNDER this
15 chapter.

16 (12) Time served on the sentence appealed under this section
17 is considered time served on any sentence imposed after remand.

18 CHAPTER IXA

19 PART 1

20 GENERAL PROVISIONS

21 SEC. 1. AS USED IN THIS CHAPTER:

22 (A) "AIRCRAFT" MEANS THAT TERM AS DEFINED IN SECTION 4 OF
23 THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327, MCL
24 259.4.

25 (B) "DEPARTURE" MEANS THAT TERM AS DEFINED IN SECTION 31 OF
26 CHAPTER IX.

1 (C) "HOMICIDE" MEANS ANY CRIME IN WHICH THE DEATH OF A HUMAN
 2 BEING IS AN ELEMENT OF THAT CRIME.

3 (D) "INTERMEDIATE SANCTION" MEANS THAT TERM AS DEFINED IN
 4 SECTION 31 OF CHAPTER IX.

5 (E) "VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 79 OF
 6 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.49.

7 SEC. 5. THE OFFENSE CATEGORIES ARE DESIGNATED IN PART 2 OF
 8 THIS CHAPTER AS FOLLOWS:

9 (A) CRIMES AGAINST A PERSON ARE DESIGNATED "PERSON".

10 (B) CRIMES AGAINST PROPERTY ARE DESIGNATED "PROPERTY".

11 (C) CRIMES INVOLVING A CONTROLLED SUBSTANCE ARE DESIGNATED
 12 "CS".

13 (D) CRIMES AGAINST PUBLIC ORDER ARE DESIGNATED "PUB ORD".

14 (E) CRIMES AGAINST PUBLIC TRUST ARE DESIGNATED "PUB TRST".

15 (F) CRIMES AGAINST PUBLIC SAFETY ARE DESIGNATED "PUB SAF".

16 SEC. 6. THE OFFENSE DESCRIPTIONS IN PART 2 ARE FOR ASSIST-
 17 ANCE ONLY AND THE STATUTES LISTED GOVERN APPLICATION OF THE SEN-
 18 TENCING GUIDELINES.

19 PART 2

20 SEC. 11. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
 21 ENUMERATED IN CHAPTERS 1 TO 199 OF THE MICHIGAN COMPILED LAWS:

22	M.C.L.	CATEGORY CLASS DESCRIPTION		
24	STAT MAX			
23	4.421(1)	PUB TRST	G	LOBBYISTS -- COMPENSATION CON-
24	3			TINGENT ON OUTCOME OF ACTION
25	4.421(2)	PUB TRST	G	LOBBYISTS GIVING GIFTS
	3			
26	18.366(1)	PROPERTY	E	FALSE PRESENTATION TO VICTIMS
27				COMPENSATION BOARD TO OBTAIN
28	10			MORE THAN \$100

1	18.1268(9)	PUB TRST	H	PURPOSEFULLY SUBMITTING FALSE
2	FINE			BUSINESS CERTIFICATION
3	21.154	PUB TRST	E	PUBLIC OFFICER -- EMBEZZLEMENT
5				
4	28.295(1)(A)	PUB ORD	H	FORGING STATE ID CARD TO
5				COMMIT FELONY
4				
6	28.295(3)	PROPERTY	H	USING STOLEN STATE ID CARD TO
7	VARIABLE			COMMIT FELONY
8	28.295A(1)	PUB ORD	H	FALSE REPRESENTATION TO OBTAIN
9				OR MISUSE PERSONAL
10	4			INFORMATION
11	28.295A(2)	PUB ORD	G	FALSE REPRESENTATION TO OBTAIN
12				OR MISUSE PERSONAL INFORMA-
13	7			TION -- SECOND OFFENSE
14	28.295A(3)	PUB ORD	C	FALSE REPRESENTATION TO OBTAIN
15				OR MISUSE PERSONAL INFORMA-
16				TION -- THIRD OR SUBSEQUENT
17	15			OFFENSE
18	28.422	PUB SAF	G	PISTOLS -- LICENSE APPLICATION
19	4			FORGERY
20	28.729	PUB ORD	G	SEX OFFENDERS -- FAILURE TO
21	4			REGISTER
22	35.929	PUB TRST	H	WILLFUL FALSIFICATION IN
23				APPLICATION FOR VETERANS
24	3			BENEFITS
25	35.980	PUB TRST	H	KOREAN VETERANS' MILITARY FUND
26				-- FALSE STATEMENT IN APPLI-
27	3			CATION FOR BENEFITS
28	35.1029	PUB TRST	H	VIETNAM VETERAN ERA BONUS ACT
29				-- FALSE STATEMENT IN APPLI-
30	3			CATION FOR BENEFITS
31	38.412A(1)	PUB TRST	H	COUNTY EMPLOYEE PROVIDING
32				ANSWERS TO COUNTY CIVIL
33	1			SERVICE EXAM
34	38.516	PUB TRST	H	FIRE AND POLICE CIVIL SERVICE
35				-- APPOINTMENT OR EMPLOYMENT
36				CONTRARY TO ACT
2				
37	45.82	PUB TRST	E	COUNTY PURCHASING AGENT --
38				VIOLATIONS IN AWARDING BIDS
39	5			OR CONTRACTS

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1	47.8	PUB TRST	H	PAYMENT OF CLAIM AGAINST
2	2			COUNTY BEFORE AUDIT
3	47.56	PUB TRST	H	WAYNE COUNTY TREASURER PAYING
4				CLAIMS WITHOUT APPROPRIATE
5	2			SIGNATURE
6	51.364	PUB TRST	H	APPOINTMENT OR SELECTION CON-
7				TRARY TO CIVIL SERVICE COM-
8	2			MISSION RULES
9	110.28	PUB TRST	G	FOURTH CLASS CITIES -- MISAP-
10				PROPRIATION OF MONEY OR
11	3			PROPERTY
12	117.25(3)	PUB TRST	E	AMENDMENT TO CITY ELECTORS --
13				WILLFULLY AFFIXING ANOTHER'S
14	15			SIGNATURE, FALSE REP
15	125.1447	PROPERTY	G	HOUSING -- MSHDA -- FALSE PRE-
16	10			TENSES OVER \$100
17	168.731(4)	PUB TRST	G	ELECTION LAW -- FILING CERTAIN
18	2			FALSE STATEMENTS
19	168.734	PUB TRST	G	ELECTION LAW -- ELECTION BOARD
20				REFUSING TO PROVIDE CHAL-
21	2			LENGER CONVENIENCES
22	168.756	PUB TRST	E	ELECTOR'S FALSE STATEMENT CON-
23				CERNING INABILITY TO MARK
24	5			BALLOT
25	168.757	PUB TRST	E	ELECTION INSPECTOR -- UNLAWFUL
26	5			CONDUCT
27	168.759(8)	PUB TRST	E	FORGED SIGNATURE ON ABSENTEE
28	5			BALLOT
29	168.759B	PUB TRST	E	FALSE STATEMENT IN APPLICATION
30				FOR EMERGENCY ABSENTEE
31	5			BALLOT
32	168.761(5)	PUB TRST	E	ASSISTING AN ABSENTEE VOTER IN
33	5			MAKING A FALSE STATEMENT
34	168.769(4)	PUB TRST	E	VOTING BOTH IN PERSON AND BY
35	5			ABSENTEE BALLOT
36	168.792A(11)	PUB TRST	E	DISCLOSING HOW BALLOT VOTED OR
37				ELECTION RESULTS EARLY
38	5			BEFORE POLLS ARE CLOSED

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1	168.792A(16)	PUB TRST	E	DISCLOSING ELECTION RESULT OR
2	5			HOW BALLOT VOTED
3	168.808	PUB TRST	E	UNTRUE STATEMENT BY MEMBER OF
4	4			BOARD OF INSPECTORS
5	168.873	PUB TRST	E	MISCONDUCT OF ELECTION
6				EMPLOYEE IN RECOUNT-COUNTY
7	5			AND LOCAL
8	168.887	PUB TRST	E	MISCONDUCT OF ELECTION
9	5			EMPLOYEE IN RECOUNT
10	168.932(A)	PUB TRST	E	BRIBING OR INTIMIDATING VOTERS
	5			
11	168.932(B)	PUB TRST	E	BALLOT TAMPERING
	5			
12	168.932(C)	PUB TRST	E	DESTROYING OR FALSIFYING ELEC-
13	5			TION RETURN OR RECORDS
14	168.932(D)	PUB TRST	E	DISCLOSING VOTES OR OBSTRUCT-
15	5			ING VOTER
16	168.932(E)	PUB TRST	E	ABSENTEE BALLOT TAMPERING
	5			
17	168.932(F)	PUB TRST	E	ELECTION LAW -- POSSESS ABSENT
18				VOTER BALLOT DELIVERED TO
19	5			ANOTHER PERSON
20	168.932(G)	PUB TRST	E	SUGGESTING HOW A DISABLED
21	5			VOTER SHOULD VOTE
22	168.932(H)	PUB TRST	E	SUGGESTING OR INFLUENCING HOW
23				AN ABSENTEE VOTER SHOULD
24	5			VOTE
25	168.932(I)	PUB TRST	E	ORGANIZING A MEETING WHERE
26				ABSENTEE VOTER BALLOTS ARE
27	5			TO BE VOTED
28	168.932A	PUB TRST	G	ELECTION OFFENSES
	4			
29	168.933	PUB TRST	E	FALSE SWEARING TO REGISTER OR
30	5			VOTE
31	168.936	PUB TRST	E	ELECTION LAW -- PERJURY
	5			
32	168.937	PUB TRST	E	ELECTION LAW -- FORGERY
	5			
33	169.254	PUB TRST	H	CAMPAIGN FINANCE -- CORPORATE

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1 169.255 PUB TRST H CAMPAIGN FINANCE -- CORPORATE
 2 SOLICITATION FOR CERTAIN
 3 FUNDS
 3

4 169.266 PUB TRST H CAMPAIGN FINANCE -- QUALIFIED
 5 CAMPAIGN EXPENDITURES
 3

6 SEC. 12. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
 7 ENUMERATED IN CHAPTERS 200 TO 299 OF THE MICHIGAN COMPILED LAWS:

8 **M.C.L. CATEGORY CLASS DESCRIPTION**
STAT MAX

9 205.27(1)(A) PUB TRST G TAXES -- FAILURE TO FILE ACCU-
 10 5 RATE RETURN OR PAYMENT

11 205.27(1)(B) PUB TRST G TAXES -- AIDING & ABETTING TAX
 12 5 EVASION FILING FALSE RETURNS

13 205.27(1)(C) PUB TRST G TAXES -- MAKING/PERMITTING
 14 5 FALSE RETURNS

15 205.27(3) PUB TRST G TAXES -- FALSE RETURNS/PERJURY
 15

16 205.28 PUB TRST G TAXES --
 17 COMPROMISING/UNAUTHORIZED
 18 5 DISCLOSURE OF INFORMATION

19 205.28(1)(E) PUB TRST G TAXES -- STATE EMPLOYEE COM-
 20 5 PROMISING TAXES

21 205.28(1)(F) PUB TRST G TAXES -- UNAUTHORIZED DISCLO-
 22 5 SURE OF TAX INFORMATION

23 205.428(2) PUB TRST G TOBACCO PRODUCTS TAX ACT
 24 5 VIOLATIONS

25 207.118A PUB ORD G TAXES -- GASOLINE TAX --
 26 10 EMBEZZLEMENT OVER \$100

27 207.119 PUB TRST G TAXES -- GASOLINE OR MOTOR
 28 4 FUEL VIOLATION

29 207.127C PUB ORD G TAXES -- DIESEL FUEL TAX --
 30 10 EMBEZZLEMENT OVER \$100

31 207.754(3) PUB TRST G STATE TREASURER -- MUNICIPAL-
 32 ITY TAX -- DIVULGING CONFID-
 33 5 DENTIAL INFORMATION

34 257.233A(7) PUB ORD G MOTOR VEHICLE -- ODOMETER

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1	257.254	PROPERTY	E	MOTOR VEHICLE -- POSSESS
2	10			STOLEN TITLE
3	257.257(1)	PROPERTY	G	MOTOR VEHICLE -- ALTERATION OR
4				FORGERY OF DOCUMENTS --
5	5			FIRST OFFENSE
6	257.257(2)	PROPERTY	G	MOTOR VEHICLE -- ALTERATION OR
7				FORGERY OF DOCUMENTS --
8	7			SECOND OFFENSE
9	257.257(3)	PROPERTY	E	MOTOR VEHICLE -- ALTERATION OR
10				FORGERY OF DOCUMENTS --
11	15			THIRD OFFENSE
12	257.329(1)	PROPERTY	G	INSURANCE CERTIFICATES --
13				POSSESSION/SALE OF
14	5			STOLEN/COUNTERFEIT
15	257.329(2)	PROPERTY	E	INS. CERTIFICATES --
16				POSSESS/SALE
17				STOLEN/COUNTERFEIT -- SECOND
18	7			OFFENSE
19	257.329(3)	PROPERTY	E	INS. CERTIFICATES --
20				POSSESS/SALE
21				STOLEN/COUNTERFEIT -- THIRD
22	15			OFFENSE
23	257.602A(2)	PUB SAF	G	FLEEING AND ELUDING -- FOURTH
24	2			DEGREE
25	257.602A(3)	PUB SAF	E	FLEEING AND ELUDING -- THIRD
26	5			DEGREE
27	257.602A(4)	PERSON	D	FLEEING AND ELUDING -- SECOND
28	10			DEGREE
29	257.602A(5)	PERSON	C	FLEEING AND ELUDING -- FIRST
30	15			DEGREE
31	257.617	PERSON	E	FAILURE TO STOP AT SCENE OF A
32				SERIOUS PERSONAL INJURY
33	5			ACCIDENT
34	257.625(4)	PERSON	C	OUIL -- CAUSING DEATH
	15			
35	257.625(5)	PERSON	E	OUIL -- CAUSING INCAPACITATING
36				INJURY
	5			
37	257.625(7)(D)	PUB SAF	E	OUIL -- THIRD OFFENSE
	5			
38	257.625N(10)	PUB ORD	G	DISPOSING OF VEHICLE TO AVOID

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1	257.744A	PUB SAF	D	FALSE STATEMENT IN CITATION --
2	15			PERJURY
3	257.902	PUB SAF	E	MOTOR VEHICLE CODE -- FELONY
4	5			PENALTY
5	257.903(1)	PROPERTY	E	MOTOR VEHICLE CODE -- FALSE
6				CERTIFICATION -- FIRST
7	5			OFFENSE
8	257.903(2)	PROPERTY	E	MOTOR VEHICLE CODE -- FALSE
9				CERTIFICATION -- SECOND
10	7			OFFENSE
11	257.903(3)	PROPERTY	D	MOTOR VEHICLE CODE -- FALSE
12				CERTIFICATION -- THIRD
13	15			OFFENSE
14	257.1353(2)	PUB TRST	H	MOTOR VEHICLE -- FAIL TO
15				RECORD MATERIAL MATTER --
16	2			SECOND OFFENSE
17	257.1354(2)	PUB TRST	H	MOTOR VEHICLE -- GENERAL VIO-
18	2			LATIONS -- SECOND OFFENSE
19	257.1355	PUB TRST	H	MOTOR VEHICLE -- FAIL TO
20				RECORD TRANSACTION/FALSIFY
21	2			RECORDS
22	259.183	PROPERTY	E	AIRCRAFT -- UNLAWFUL
23	5			TAKING/TAMPERING
24	259.185(8)	PUB SAF	G	AIRCRAFT -- OUIL -- THIRD
25	5			OFFENSE
26	285.82	PUB TRST	H	GRAIN DEALERS ACT -- GENERAL
27	5			VIOLATIONS
28	285.279	PUB TRST	E	FALSELY OBTAINING MONEY --
29	10			AGRICULTURAL LAND
30	286.455(2)	PUB SAF	G	AGRICULTURE -- HAZARDOUS
31	5			SUBSTANCE
32	287.77(1)	PUB SAF	H	AGRICULTURE -- LIVESTOCK
33	4			CONDEMNATION
34	287.323(1)	PERSON	C	ANIMALS -- DANGEROUS ANIMAL
35	15			CAUSING DEATH
36	287.323(2)	PERSON	G	ANIMALS -- DANGEROUS ANIMAL
37				CAUSING SERIOUS INJURY

4

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1	287.679	PUB ORD	H	DEAD ANIMALS	
1					
2	287.744(1)	PUB ORD	G	ANIMAL INDUSTRY ACT -- FELONY VIOLATIONS	
3					
	5				
4	287.855	PUB SAF	G	AGRICULTURE -- CONTAMINATING LIVESTOCK/FALSE STATEMENT/VIOLATION OF QUARANTINE	
5					
6					
7					
	5				
8	288.223	PUB SAF	G	AGRICULTURE -- SALE/LABELING -- OLEO MARGARINE	
9					
	3				
10	288.257	PUB SAF	G	AGRICULTURE -- BUTTER/OLEO MARGARINE	
11					
	3				
12	288.284	PUB TRST	H	CHEESE ACT -- SELLING FALSELY BRANDED CHEESE	
13					
	2				
14	290.629(1)	PERSON	G	WEIGHTS & MEASURES -- ASSAULTS ENFORCEMENT OFFICER	
15					
	2				
16	290.631(3)	PUB TRST	G	WEIGHTS & MEASURES	
	5				
17	290.650	PERSON	G	MOTOR FUELS -- ASSAULTING/OBSTRUCTING DIRECTOR OR AUTHORIZED REPRESENTATIVE	
18					
19					
20					
	2				
21	290.650B(3)	PUB TRST	H	MOTOR FUELS -- SPECIFIC VIOLATIONS	
22					
	2				
23	SEC. 13. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES				
24	ENUMERATED IN CHAPTERS 300 TO 399 OF THE MICHIGAN COMPILED LAWS:				
25	M.C.L.	CATEGORY CLASS DESCRIPTION			
	STAT MAX				
26	324.1608	PERSON	G	RESISTING AND OBSTRUCTING CONSERVATION OFFICER	
27					
	2				
28	324.2157(3)	PROPERTY	H	STATE OWNED PROPERTY -- DAMAGES OF \$1,000 OR MORE	180
29					
	DAYS				
30	324.3115(2)	PUB SAF	H	WASTE DISCHARGE VIOLATIONS -- SECOND OFFENSE	
31					
	2				
32	324.5531(4)	PUB SAF	H	POLLUTION VIOLATION -- KNOWINGLY RELEASES	
33					
	2				
34	324.5531(5)	PUB SAF	G	POLLUTION VIOLATION --	

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1				CAUSING DEATH/SERIOUS BODILY
2				INJURY
6				
3	324.5531(6)	PUB SAF	C	POLLUTION VIOLATION -- RESULT-
4				ING IN DEATH/SERIOUS BODILY
5				INJURY
15				
6	324.8905(2)	PUB SAF	H	INFECTIOUS WASTE/PATHOLOGICAL
7				WASTE/SHARPS -- LITTERING
8				VIOLATION
2				
9	324.8905(3)	PUB SAF	G	INFECTIOUS WASTE/PATHOLOGICAL
10				WASTE/SHARPS -- LITTERING
11				VIOLATION -- SECOND OFFENSE
5				
12	324.11151(2)	PUB SAF	H	HAZARDOUS WASTE VIOLATIONS --
13				SECOND OR SUBSEQUENT OFFENSE
2				
14	324.11151(3)	PUB SAF	H	HAZARDOUS WASTE VIOLATION --
15				DISREGARD FOR HUMAN LIFE
2				
16	324.11151(3)	PUB SAF	G	HAZARDOUS WASTE VIOLATION --
17				EXTREME INDIFFERENCE FOR
18				HUMAN LIFE
5				
19	324.12116(2)	PUB SAF	H	WASTE -- FALSE STATEMENT OR
20				ENTRY IN A LICENSE
21				APPLICATION
2				
22	324.20139(3)	PUB SAF	H	HAZARDOUS WASTE -- KNOWINGLY
23				RELEASES OR CAUSES THE
24				RELEASE
2				
25	324.21324(1)	PUB SAF	G	UNDERGROUND STORAGE TANKS --
26				FALSE OR MISLEADING
27				INFORMATION
5				
28	324.21548(1)	PUB TRST	H	FALSE STATEMENT, REPORT,
29				CLAIM, BID, WORK INVOICE, OR
30				OTHER REQUEST FOR PAYMENT
5				
31	324.40118(11)	PUB ORD	G	WILDLIFE CONSERVATION --
32				BUYING SELLING PROTECTED
33				ANIMALS -- SUBSEQUENT
34				OFFENSE
4				
35	324.30316(3)	PUB SAF	H	ENVIRONMENTAL PROTECTION ACT
36				-- SUBSEQUENT OFFENSE
2				
37	324.31525	PERSON	G	ENVIRONMENTAL ACT -- IMMINENT
38				DANGER OF DEATH OR SERIOUS
39				INJURY--SUBSEQUENT OFFENSE
2				

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1 2 2	324.33939(1)	PUB TRST	H	ENVIRONMENTAL ACT -- VIOLATION FOR COMMERCIAL PURPOSES
3 4 3	324.51120(2)	PROPERTY	H	REMOVING FOREST PRODUCTS OVER \$2,500
5 6 10	324.51512	PUB SAF	D	FIRES -- WILLFUL SETTING -- FORESTS
7 8 5	324.61511	PUB TRST	G	ENVIRONMENTAL ACT -- FALSE AFFIDAVIT
9 10 3	324.61521(1)	PUB TRST	G	ENVIRONMENTAL ACT -- EVADING A RULE OF
11 12 13 2	324.76107(4)	PUB TRST	G	RECOVERING ABANDONED PROPERTY -- GREAT LAKES -- W/O A PERMIT
14 15 4	324.80130D(1)	PUB ORD	H	FALSE REPRESENTATION TO OBTAIN PERSONAL INFORMATION
16 17 18 7	324.80130D(2)	PUB ORD	G	FALSE REPRESENTATION TO OBTAIN PERSONAL INFORMATION -- SECOND OFFENSE
19 20 21 15	324.80130D(3)	PUB ORD	C	FALSE REPRESENTATION TO OBTAIN PERSONAL INFORMATION -- THIRD OR SUBSEQUENT OFFENSE
22 23 2	324.80172	PERSON	G	OPERATION OF A VESSEL -- NEG- LIGENT CRIPPLING OR HOMICIDE
24 25 2	324.80173	PERSON	G	FELONIOUS OPERATION OF A VESSEL
26 27 15	324.80176(4)	PERSON	C	OPERATING A VESSEL -- CON- TROLLED SUBSTANCE -- DEATH
28 29 5	324.80176(5)	PERSON	E	OPERATING A VESSEL -- LONG-TERM INJURY
30 31 32 5	324.80177(1)(C)	PUB SAF	E	OPERATING A VESSEL -- VIOLA- TION WITHIN 10 YEARS OF 2 OR MORE PRIORS
33 34 4	324.80319A(1)	PUB ORD	H	FALSE REPRESENTATION TO OBTAIN PERSONAL INFORMATION
35 36 37 7	324.80319A(2)	PUB ORD	G	FALSE REPRESENTATION TO OBTAIN PERSONAL INFORMATION -- SECOND OFFENSE

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1	324.80319A(3)	PUB ORD	C	FALSE REPRESENTATION TO OBTAIN
2				PERSONAL INFORMATION --
3				THIRD OR SUBSEQUENT OFFENSE
	15			
4	324.81120(1)	PUB ORD	H	FALSE REPRESENTATION TO OBTAIN
5				PERSONAL INFORMATION
	4			
6	324.81120(2)	PUB ORD	G	FALSE REPRESENTATION TO OBTAIN
7				PERSONAL INFORMATION --
8				SECOND OFFENSE
	7			
9	324.81120(3)	PUB ORD	C	FALSE REPRESENTATION TO OBTAIN
10				PERSONAL INFORMATION --
11				THIRD OR SUBSEQUENT OFFENSE
	15			
12	324.81134(6)	PUB SAF	E	OPERATING AN OFF ROAD VEHICLE
13				-- UNDER THE INFLUENCE --
14				THIRD OFFENSE W/IN 10 YEARS
	4			
15	324.82127(4)	PERSON	C	OPERATING A SNOWMOBILE --
16				UNDER THE INFLUENCE -- DEATH
	15			
17	324.82127(5)	PERSON	E	OPERATING A SNOWMOBILE --
18				UNDER THE INFLUENCE --
19				LONG-TERM INJURY
	5			
20	324.82128(1)(C)	PUB SAF	E	OPERATING A SNOWMOBILE --
21				UNDER THE INFLUENCE -- THIRD
22				OFFENSE W/IN 10 YEARS
	5			
23	324.82160(1)	PUB ORD	H	FALSE REPRESENTATION TO OBTAIN
24				PERSONAL INFORMATION
	4			
25	324.82160(2)	PUB ORD	G	FALSE REPRESENTATION TO OBTAIN
26				PERSONAL INFORMATION --
27				SECOND OFFENSE
	7			
28	324.82160(3)	PUB ORD	C	FALSE REPRESENTATION TO OBTAIN
29				PERSONAL INFORMATION --
30				THIRD OR SUBSEQUENT OFFENSE
	15			
31	328.232	PROPERTY	E	FUNERAL CONTRACTS --
32				CONVERSION
	5			
33	333.2685	PERSON	E	USE OF A LIVE HUMAN EMBRYO,
34				FETUS FOR NONTHERAPEUTIC
35				RESEARCH
	5			
36	333.2688	PERSON	E	RESEARCH ON DEAD EMBRYO, FETUS
37				W/O CONSENT OF MOTHER
	5			
38	333.2689	PERSON	E	ABORTION TO OBTAIN EMBRYO
	5			

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1	333.2690	PERSON	E	SALE OR DELIVERY OF FETUS OR EMBRYO
2	5			
3	333.2835(9)	PUB TRST	G	DISCLOSING CONFIDENTIAL INFORMATION -- ABORTION
4	3			
5	333.5210	PERSON	F	AIDS -- SEXUAL PENETRATION WITH UNINFORMED PARTNER
6	4			
7	333.5661	PERSON	F	FRAUD RESULTING IN PATIENT DEATH
8	4			
9	333.7341(8)	CS	G	CS -- DELIVERY/MANUFACTURE -- IMITATION
10	2			
11	333.7401(2)(A)(i)	CS	A	CS -- DELIVERY/MANUFACTURE >649 GRAMS BY JUVENILE
12	LIFE			
13	333.7401(2)(A)(iii)	CS	B	CS -- DELIVERY/MANUFACTURE 50-224 GRAMS
14	20			
15	333.7401(2)(A)(iv)	CS	D	CS -- DELIVERY/MANUFACTURE <50 GRAMS
16	20			
17	333.7401(2)(B)	CS	E	CS -- DELIVERY/MANUFACTURE SCHEDULE 1/2/3 EXCEPT MARIJUANA
18				
19	7			
20	333.7401(2)(C)	CS	F	CS -- DELIVERY/MANUFACTURE SCHEDULE 4
21	4			
22	333.7401(2)(D)(i)	CS	C	CS -- DELIVERY/MANUFACTURE >45 KILOS MARIJUANA
23	15			
24	333.7401(2)(D)(ii)	CS	D	CS -- DELIVERY/MANUFACTURE 5-45 KILOS MARIJUANA
25	7			
26	333.7401(2)(D)(iii)	CS	F	CS -- DELIVERY/MANUFACTURE MARIJUANA -- <5 KILOS OR 20 PLANTS
27				
28	4			
29	333.7401(2)(E)	CS	G	CS -- DELIVERY/MANUFACTURE SCHEDULE 5
30	2			
31	333.7401(2)(F)	CS	D	CS -- DELIVERY/MANUFACTURE OFFICIAL/COUNTERFEIT PRESCRIPTION FORM
32				
33	20			
34	333.7401(2)(G)	CS	D	CS -- DELIVERY MANUFACTURE PRESCRIPTION/COUNTERFEIT FORM (OTHER THAN OFFICIAL)
35				
36	7			

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1	333.7402(2)(A)	CS	D	CS -- DELIVERY/MANUFACTURE --
2				IMITATION SCHED 1/2 OR
3	10			NARCOTIC OR 7214(A)(iv)
4	333.7402(2)(B)	CS	E	CS -- DELIVERY/MANUFACTURE --
5	5			OTHER IMITATION SCHED 1/2/3
6	333.7402(2)(C)	CS	F	CS -- DELIVERY/MANUFACTURE --
7	4			IMITATION SCHEDULE 4
8	333.7402(2)(D)	CS	G	CS -- DELIVERY/MANUFACTURE --
9	2			IMITATION SCHEDULE 5
10	333.7402(2)(E)	CS	C	CS -- DELIVERY/MANUFACTURE --
11	15			ANALOGUE
12	333.7403(2)(A)(i)	CS	A	CS -- POSSESSION >649 GRAMS BY
13	LIFE			JUVENILE
14	333.7403(2)(A)(iii)	CS	B	CS -- POSSESSION 50-224 GRAMS
	20			
15	333.7403(2)(A)(iv)	CS	G	CS -- POSSESSION 25-49 GRAMS
	4			
16	333.7403(2)(A)(v)	CS	G	CS -- POSSESSION OF <25 GRAMS
	4			
17	333.7403(2)(B)	CS	G	CS -- POSSESSION SCHED 1/2/3/4
18				OTHER THAN (A), (B), (D) OR
19	2			ANALOGUE
20	333.7403(2)(E)	CS	H	CS -- POSSESSION OF OFFICIAL
21	1			PRESCRIPTION FORM
22	333.7405(A)	CS	G	CS -- LICENSEE PRESCRIPTION
23	2			VIOLATIONS
24	333.7405(B)	CS	G	CS -- MANUFACTURE/DISTRIBUTE
25	2			OUTSIDE OF LICENSE
26	333.7405(C)	CS	G	CS -- REFUSING INSPECTION
	2			
27	333.7405(D)	CS	G	CS -- MAINTAINING DRUG HOUSE
	2			
28	333.7407(1)(A)	CS	G	CS -- LICENSEE/DISTRIBUTE W/O
29	4			ORDER FORMS
30	333.7407(1)(B)	CS	G	CS -- USE OF FICTITIOUS,
31				REVOKED, SUSPENDED LICENSE
32	4			NUMBER
33	333.7407(1)(C)	CS	G	CS -- OBTAINING BY FRAUD

4

34 333.7407(1)(D)
4

CS

G

CS -- FALSE REPORTING

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1	333.7407(1)(E)	CS	G	CS -- POSSESSION OF
2	4			COUNTERFEITING IMPLEMENTS
3	333.7407(1)(F)	CS	F	CS -- DISCLOSING PRESCRIPTION
4	4			INFORMATION
5	333.7407(1)(G)	CS	F	CS -- POSSESSION COUNTERFEIT
6	4			PRESCRIPTION FORM
7	333.7407(2)	CS	G	CS -- REFUSING TO FURNISH
8	4			RECORDS
9	333.10204(1)	PUB ORD	F	TRANSFERRING A HUMAN ORGAN FOR
10	4			VALUABLE CONSIDERATION
11	333.13738(2)	PUB SAF	F	WASTE DISPOSAL VIOLATIONS --
12	5			SECOND OFFENSE
13	333.13738(3)	PUB SAF	F	DISPOSING OF WASTE -- INDIF-
14	2			ERENCE TO HUMAN LIFE
15	333.13738(3)	PUB SAF	B	DISPOSING OF WASTE -- EXTREME
16	20			INDIFFERENCE TO HUMAN LIFE
17	333.16170(3)	PUB TRST	F	FALSE REPRESENTATION -- HEALTH
18				PROFESSIONAL RECOVERY
19	4			PROGRAM
20	333.16294	PUB SAF	F	HEALTH PROFESSION -- UNAUTHO-
21	4			RIZED PRACTICE
22	333.17766A(2)(A)	CS	F	CS -- POSSESSION OF STEROIDS
23	4			-- SECOND OFFENSE
24	333.17766A(3)	CS	E	CS -- DELIVERY/MANUFACTURE --
25	7			STEROIDS
26	333.17766A(4)	CS	G	CS -- DELIVERY IMITATION
27	7			STEROIDS
28	333.17766C(2)	CS	G	CS -- POSSESSION >10 GRAMS --
29	2			EPHEDRINE
30	333.20142(5)	PUB TRST	F	FALSE STATEMENT -- APPLICATION
31	4			LICENSURE HEALTH FACILITY
32	333.21792	PUB TRST	G	NURSING HOMES -- REFERRAL
33				FEEES/BRIBING OFFICIALS/
34	4			ACCEPTING BRIBES
35	388.936	PUB TRST	F	KNOWINGLY MAKING FALSE STATE-

36
37

4

MENT -- SCHOOL DISTRICT
LOANS

00322'97

1 388.962 PUB TRST F KNOWINGLY MAKING FALSE
 2 STATEMENT -- SCHOOL DISTRICT
 3 LOANS
 4

4 SEC. 14. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
 5 ENUMERATED IN CHAPTERS 400 TO 499 OF THE MICHIGAN COMPILED LAWS:

6	M.C.L. STAT MAX	CATEGORY	CLASS	DESCRIPTION
7 8	400.60(2) 4	PROPERTY	H	WELFARE -- FAILURE TO INFORM O/\$500
9 10 11	400.603 4	PUB TRST	G	MEDICAID FRAUD -- FALSE STATE- MENT IN BENEFIT/CONCEALING INFORMATION
12 13	400.604 4	PUB TRST	G	MEDICAID FRAUD -- KICKBACK/REFERRAL FEES
14 15	400.605 4	PUB TRST	G	MEDICAID FRAUD -- FALSE STATE- MENT REGARDING INSTITUTIONS
16 17	400.606 10	PROPERTY	E	MEDICAID FRAUD -- CONSPIRACY
18 19	400.607 4	PUB TRST	G	MEDICAID FRAUD -- FALSE CLAIM/MEDICALLY UNNECESSARY
20 21	400.609 10	PROPERTY	D	MEDICAID FRAUD -- FOURTH OFFENSE
22 23	400.713(13) 2	PUB SAF	H	ADULT FOSTER CARE -- UNLI- CENSED FACILITY -- FIRST OFFENSE
24 25 26	400.713(13) 5	PUB SAF	F	ADULT FOSTER CARE -- UNLI- CENSED FACILITY -- SECOND OR SUBSEQUENT VIOLATION
27 28 29	400.722(4) 5	PUB SAF	F	ADULT FOSTER CARE -- MAINTAIN- ING OPERATION AFTER REFUSAL OF LICENSURE
30 31	408.1035(5) 3	PUB SAF	G	MIOSHA -- VIOLATION -- SECOND OFFENSE
32 33 1	408.1035(5) 1	PUB SAF	I	MIOSHA -- VIOLATION -- FIRST OFFENSE
34 35 36	408.1035A(5) 1	PUB SAF	I	MIOSHA -- VIOLATIONS/WRITS OF MANDAMUS/ASSAULTS -- FIRST OFFENSE

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1	408.1035A(5)	PUB SAF	G	MIOSHA -- VIOLATIONS/WRITS OF
2				MANDAMUS/ASSAULTS -- SECOND
3				OFFENSE
	3			
4	409.122(2)	PERSON	E	CHILDREN -- EMPLOYMENT DURING
5				CERTAIN HOURS -- THIRD
6				OFFENSE
	10			
7	409.122(2)	PUB ORD	G	CHILDREN -- EMPLOYMENT DURING
8				CERTAIN HOURS -- SECOND
9				OFFENSE
	2			
10	409.122(3)	PERSON	D	CHILDREN -- EMPLOYMENT IN
11				CHILD SEXUALLY ABUSIVE
12				ACTIVITY
	20			
13	421.54(A)(ii)(B)	PROPERTY	H	UNEMP. COMP. FRAUD -- FAIL TO
14				COMPLY W/ ACT/RULE
15				\$25,000-100,000
	2			
16	421.54(A)(ii)(C)	PROPERTY	G	UNEMP. COMP. FRAUD -- FAIL TO
17				COMPLY W/ ACT/RULE OVER
18				\$100,000
	5			
19	421.54(A)(iv)(B)	PROPERTY	H	UNEMP. COMP. FRAUD -- WILLFUL
20				VIOLATION OF ACT/RULE OVER
21				\$100,000
	2			
22	421.54(B)(ii)(B)	PROPERTY	H	UNEMP. COMP. FRAUD -- FALSE
23				STATEMENT/MISREPRESENT
24				\$25,000+
	2			
25	421.54(B)(ii)(C)	PROPERTY	H	UNEMP. COMP. FRAUD -- FALSE
26				STATE./MISREP. NO ACTUAL
27				LOSS
	2			
28	421.54(D)	PROPERTY	H	UNEMP. COMP. FRAUD -- DISCLOSE
29				CONFIDENTIAL INFO FOR \$ GAIN
	1			
30	421.54A	PROPERTY	G	UNEMP. COMP. FRAUD -- FALSE
31				STATEMENT AS CONDITION OF
32				EMPLOY.
	10			
33	421.54B(B)(i)	PROPERTY	H	UNEMP. COMP. FRAUD -- CONSPIR-
34				ACY -- LOSS OF \$25,000 OR
35				LESS
	2			
36	421.54B(B)(ii)	PROPERTY	G	UNEMP. COMP. FRAUD -- CONSPIR-
37				ACY -- LOSS OVER \$25,000
	5			
38	421.54B(B)(iii)	PROPERTY	H	UNEMP. COMP. FRAUD -- CONSPIR-
39				ACY -- NO ACTUAL LOSS
	2			

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1	421.54C(B)(ii)	PROPERTY	H	UNEMP. COMP. FRAUD --
2				EMBEZZLEMENT -- \$25,000 TO
3				UNDER \$100,000
	2			
4	421.54C(B)(iii)	PROPERTY	G	UNEMP. COMP. FRAUD -- EMBEZZ-
5				ZLEMENT -- \$100,000 OR MORE
	5			
6	421.54C(B)(iv)	PROPERTY	H	UNEMP. COMP. FRAUD -- EMBEZZ-
7				ZLEMENT -- NO ACTUAL LOSS
	2			
8	426.106	PROPERTY	E	MARKING OF LOGS AND TIMBER --
9				FORGING
	5			
10	431.257	PUB TRST	G	RACING, BOXING & EXHIBITION
11				RACING
	2			
12	431.307(8)	PUB TRST	G	HORSE RACING -- TESTIFYING
13				FALSELY TO COMMISSIONER
14				WHILE UNDER OATH
	4			
15	431.330(4)	PUB TRST	G	HORSE RACING -- ADMINISTERING
16				A DRUG THAT COULD AFFECT
17				RACING CONDITION
	5			
18	431.332	PUB TRST	G	HORSE RACING -- INFLUENCING OR
19				ATTEMPTING TO INFLUENCE
20				RESULT OF RACE
	5			
21	432.30	PROPERTY	G	LOTTERY -- FORGERY OF TICKETS
	5			
22	432.218	PUB ORD	D	CASINO GAMING OFFENSES
	10			
23	436.33(2)	PERSON	D	ALCOHOL -- SELLING TO A MINOR
24				CAUSING DEATH
	10			
25	436.46A	PUB ORD	H	LIQUOR VIOLATION
	1			
26	436.50	PUB ORD	H	LIQUOR VIOLATION
	1			
27	438.41	PROPERTY	E	CRIMINAL USURY
	5			
28	440.9307(4)	PROPERTY	G	FARMING -- ILLEGAL SALE OF
29				SECURED PRODUCTS
	3			
30	442.219	PUB TRST	E	SALES -- FALSE STATEMENT
	5			
31	443.50	PUB TRST	E	UNIFORM WAREHOUSE RECEIPTS ACT
32				-- ISSUANCE FOR GOODS NOT
33				RECEIVED
	5			

34 443.52

35

36

5

PUB TRST E UNIFORM WAREHOUSE RECEIPTS ACT
-- ISSUANCE OF DUPLICATE NOT
SO MARKED

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1	444.13	PUB TRST	H	WAREHOUSEMEN AND WAREHOUSE
2	2			RECEIPTS
3	444.107	PUB TRST	E	WAREHOUSE CERTIFICATES --
4	5			WILLFULLY ALTER OR DESTROY
5	445.487(2)	PUB ORD	H	P. GEM/METAL D. ACT -- FAIL
6				RECORD MATERIAL MATTER --
7	2			SECOND OFFENSE
8	445.488(2)	PUB ORD	H	P. GEM/METAL D. ACT -- GENERAL
9				DEALER VIOLATIONS -- SECOND
10	2			OFFENSE
11	445.489	PUB ORD	H	P. GEM/METAL D. ACT --
12	2			FRAUD/ILLEGAL PURCHASE
13	445.490	PUB ORD	H	P. GEM/METAL D. ACT -- FAILURE
14				TO OBTAIN A CERTIFICATE OF
15	2			REGISTRATION
16	445.779	PUB ORD	H	MICHIGAN ANTITRUST REFORM ACT
17	2			-- PENALTY
18	445.1505	PUB TRST	G	FRANCHISE INVESTMENT LAW --
19	7			FRAUDULENT FILING/OFFERS
20	445.1508	PUB TRST	G	FRANCHISE INVESTMENT LAW --
21				SALE WITHOUT PROPER
22	7			DISCLOSURE
23	445.1513	PUB TRST	G	FRANCHISE INVESTMENT LAW --
24	7			ILLEGAL OFFERS/SALES
25	445.1520	PUB TRST	G	FRANCHISE INVESTMENT LAW --
26	7			KEEPING RECORDS
27	445.1521	PUB TRST	G	FRANCHISE INVESTMENT LAW --
28	7			FALSE REPRESENTATION
29	445.1523	PUB TRST	G	FRANCHISE INVESTMENT LAW --
30				FALSE STATEMENTS OF MATERIAL
31	7			FACT
32	445.1525	PUB TRST	G	FRANCHISE INVESTMENT LAW --
33	7			FALSE ADVERTISING
34	445.1528	PUB TRST	D	PYRAMID/CHAIN PROMOTIONS --
35	7			OFFER OR SELL
36	445.1671	PUB TRST	E	MORTGAGE BROKERS, LENDERS --
37				KNOWINGLY GIVING A FALSE

00322'97

1	445.1679	PUB TRST	H	MORTGAGE BROKERS ACT --
2				GENERAL VIOLATIONS
	3			
3	450.775	PUB ORD	H	CORPORATIONS -- MINORITY AND
4				WOMAN OWNED BUSINESSES
	2			
5	450.795	PUB ORD	H	CORPORATIONS -- HANDICAPPER
6				BUSINESS OPPORTUNITY ACT
	2			
7	451.319	PUB TRST	G	SECURITIES, REAL ESTATE, AND
8				DEBT MANAGEMENT -- VIOLATION
	2			
9	451.434	PUB TRST	H	DEBT MANAGEMENT ACT --
10				LICENSEE VIOLATIONS
	2			
11	451.501	PUB TRST	E	BLUE SKY LAWS -- FRAUDULENT
12				SCHEMES/STATEMENTS
	10			
13	451.502	PUB TRST	E	BLUE SKY LAWS -- INVESTMENT
14				ADVISOR/AGENT FRAUD
	10			
15	451.503	PUB TRST	E	BLUE SKY LAWS -- MAKE/SELL
16				FALSE BULLION/CERTIFICATES
	10			
17	451.601	PUB TRST	E	BLUE SKY LAWS -- UNREGISTERED
18				BROKER/DEALER/AGENT/ADVISOR
	10			
19	451.603(H)	PUB TRST	E	BLUE SKY LAWS -- FAIL TO
20				NOTIFY ADMINISTRATOR OF
21				SANCTIONS
	10			
22	451.604(A)(1)(J) TO			
23	(S) AND (V) TO (Z)	PUB TRST	E	BLUE SKY LAWS -- VARIOUS
24				VIOLATIONS
	10			
25	451.701	PUB TRST	E	BLUE SKY LAWS -- OFFER/SELL
26				UNREGISTERED SECURITIES
	10			
27	451.802	PUB TRST	E	BLUE SKY LAWS -- UNLAWFULLY
28				SELLING SECURITIES
	10			
29	451.804	PUB TRST	E	BLUE SKY LAWS -- WILLFUL FALSE
30				STATEMENTS
	10			
31	451.805(B)	PUB TRST	E	BLUE SKY LAWS -- FALSE REPRE-
32				SENTATION OF ADMINISTRATIVE
33				APPROVAL
	10			
34	451.806(B)	PUB TRST	E	BLUE SKY LAWS -- IMPROPER DIS-
35				CLOSE BY COR. & SEC. BUR.
36				EMPLOYEE
	10			

37 462.257(1)
LIFE

PERSON A TRAINS -- ENDANGERING TRAVEL

00322'97

1	462.353(5)	PUB SAF	F	OPERATING A LOCOMOTIVE --
2				UNDER THE INFLUENCE
	4			
3	472.36	PUB SAF	A	STREET RAILWAYS -- OBSTRUCTION
4				OF TRACK
	LIFE			
5	482.44	PROPERTY	H	BILLS OF LADING -- ISSUANCE
6				FOR GOODS NOT RECEIVED
	5			
7	482.46	PROPERTY	H	BILLS OF LADING -- ISSUANCE OF
8				DUPLICATE NOT SO MARKED
	5			
9	482.48	PROPERTY	H	BILLS OF LADING -- NEGOTIATION
10				WHEN GOODS NOT IN CARRIERS'
11				POSSESSION
	5			
12	482.49	PROPERTY	H	BILLS OF LADING -- INDUCING
13				CARRIER TO ISSUE WHEN GOODS
14				HAVE NOT BEEN RECEIVED
	5			
15	482.50	PROPERTY	H	BILLS OF LADING -- ISSUANCE OF
16				NON-NEGOTIABLE BILL NOT SO
17				MARKED
	5			
18	483.226	PUB TRST	E	OFFICER OF A PIPELINE COMPANY
19				-- INTENT TO DEFRAUD --
20				STOCK
	10			
21	487.1505(6)	PUB TRST	E	BIDCO ACT -- KNOWINGLY RECEIV-
22				ING MONEY OR PROPERTY AT AN
23				INTEREST RATE >25%
	5			
24	492.137(A)	PUB TRST	H	INSTALLMENT SALES OF MOTOR
25				VEHICLES
	3			
26	493.56A(13)	PUB TRST	C	FALSE STATEMENT IN REPORTS --
27				SECONDARY MORTGAGE
	15			
28	493.77(2)	PUB TRST	H	REGULATORY LOANS
	3			
29	SEC. 15. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES			
30	ENUMERATED IN CHAPTERS 500 TO 749 OF THE MICHIGAN COMPILED LAWS:			
31	M.C.L.	CATEGORY CLASS DESCRIPTION		
	STAT MAX			
32	500.1325(3)	PUB TRST	E	INSURANCE CODE -- KNOWINGLY
33				MISREPRESENTING FALSE FINAN-
				CIAL CONDITION
34				
	5			
35	500.1371	PUB TRST	H	HOLDING COMPANIES -- VIOLATION
	2			

00322'97

1	500.1505(2)	PUB TRST	C	INSURANCE CODE -- LICENSE AND REGULATORY VIOLATIONS
2	15			
3	500.4511(1)	PUB TRST	F	INSURANCE CODE -- FRAUDULENT INSURANCE ACT
4	4			
5	500.4511(2)	PUB TRST	D	INSURANCE FRAUD -- AGREEMENT OR CONSPIRACY TO COMMIT
6	10			
7	500.5252(4)	PROPERTY	G	INSURANCE -- IMPROPER PERSONAL INTEREST IN TRANSACTIONS
8	5			
9	500.7034(2)	PUB TRST	E	OFFICER OF A MEWA KNOWINGLY RECEIVE VALUABLES FOR SALE PROPERTY OR LOAN
10				
11	10			
12	500.8197(2)	PUB TRST	C	INSURANCE -- KNOWING OR WILL-FULL FALSE STATEMENTS IN APPLICATION FOR INSURANCE
13				
14	15			
15	500.8197(3)	PROPERTY	E	CONSOLIDATION MERGER -- COMPENSATION OTHERWISE THAN EXPRESSED IN CONTRACT
16				
17	5			
18	551.6	PERSON	H	MARRIAGE LICENSE -- MENTAL OR VENEREAL DISEASE
19	5			
20	554.836	PROPERTY	E	REAL AND PROPERTY -- LIVING CARE DISCLOSURE ACT
21	7			
22	565.371	PROPERTY	G	FRAUDULENT CONVEYANCES -- RECORDING WITH INTENT TO DECEIVE
23				
24	3			
25	565.827	PUB TRST	E	LAND SALES ACT -- FALSE OR FRAUDULENT STATEMENT
26	10			
27	570.152	PROPERTY	G	CONTRACTOR -- FRAUDULENT USE OF BUILDING CONTRACT FUND
28	3			
29	570.1110	PROPERTY	F	CONTRACTOR -- FALSE SWORN STATEMENTS OVER \$100
30	4			
31	570.1207	PROPERTY	G	CONSTRUCTION LIENS -- FALSE INFORMATION
32	4			
33	600.908(8)	PUB TRST	E	IMMUNITY TO WITNESS -- COMMITTING PERJURY
34				
35	600.2136	PUB TRST	E	LIBRARY RECORD, BOOK, PAPER -- FALSE CERTIFICATION IN COURT
36	15			

00322'97

1	600.2907A	PROPERTY	G	RECORDING DOCUMENTS AFFECTING
2				PROPERTY WITHOUT LAWFUL
3				CAUSE
	3			
4	600.2916	PUB SAF	G	REVISED JUDICATURE ACT --
5				LETHAL GASES FOR FUMIGATION
	4			
6	600.8713	PUB TRST	G	REVISED JUDICATURE ACT --
7				FALSE STATEMENT BY AUTHO-
8				RIZED LOCAL OFFICIALS
	15			
9	600.8813	PUB TRST	E	LAW ENFORCEMENT OFFICER --
10				KNOWINGLY MAKING FALSE
11				STATEMENT IN A CITATION
	15			
12	710.54(11)	PUB TRST	F	OFFER TO GIVE OTHER CONSIDERA-
13				TION -- ADOPTION -- SUBSE-
14				QUENT VIOLATION
	4			
15	710.55(1)	PUB TRST	F	ADOPTION -- PERSONS NOT AUTHO-
16				RIZED PLACING CHILD -- SUB-
17				SEQUENT VIOLATION
	4			
18	710.69	PERSON	F	MICHIGAN ADOPTION LAW --
19				SECOND OFFENSE
	4			
20	711.1(8)	PUB TRST	E	INTENTIONAL FALSE STATEMENT IN
21				PETITION FOR NAME CHANGE
	15			
22	722.633(5)(B)	PERSON	F	INTENTIONAL FALSE REPORT OF
23				CHILD ABUSE CONSTITUTING A
24				FELONY
	4			
25	722.675	PUB ORD	E	DISTRIBUTING OBSCENE MATTER TO
26				CHILDREN
	2			
27	722.857	PERSON	E	SURROGATE PARENTING ACT --
28				CONTRACTS INVOLVING MINORS,
29				MENTALLY RETARDED, ETC.
	5			
30	722.859(3)	PERSON	E	SURROGATE PARENTING ACT --
31				CONTRACTS FOR COMPENSATION
	5			

32 SEC. 16. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
33 ENUMERATED IN CHAPTER 750 OF THE MICHIGAN COMPILED LAWS:

34 **M.C.L. CATEGORY CLASS DESCRIPTION**
STAT MAX

35	750.11	PERSON	A	TAKING A WOMAN AND COMPELLING
36				HER TO MARRY
	LIFE			

00322'97

1	750.12	PERSON	H	TAKING A WOMAN WITH INTENT TO
2	10			COMPEL HER TO MARRY
3	750.13	PERSON	D	ENTICING FEMALE UNDER 16 FOR
4	10			IMMORAL PURPOSES
5	750.14	PERSON	C	ABORTION RESULTING IN DEATH OF
6	15			FEMALE
7	750.14	PERSON	G	ABORTION
	4			
8	750.30	PUB ORD	H	ADULTERY
	4			
9	750.32	PUB ORD	H	COHABITATION OF DIVORCED
10	4			PARTIES
11	750.49(2)(A) TO (D)	PUB ORD	F	FIGHTING ANIMALS OR PROVIDING
12	4			FACILITIES FOR ANIMAL FIGHTS
13	750.49(2)(E)	PUB ORD	F	ORGANIZING OR PROMOTING ANIMAL
14	4			FIGHTS
15	750.49(2)(F)	PUB ORD	H	ATTENDING ANIMAL FIGHT
	4			
16	750.49(2)(G)	PUB ORD	F	BREEDING OR SELLING FIGHTING
17	4			ANIMALS
18	750.49(2)(H)	PUB ORD	F	SELLING OR POSSESSING EQUIP-
19	4			MENT FOR ANIMAL FIGHTS
20	750.49(8)	PERSON	A	INCITING FIGHTING ANIMAL
21	LIFE			RESULTING IN DEATH
22	750.49(9)	PERSON	F	INCITING FIGHTING ANIMAL TO
23	4			ATTACK
24	750.49(10)	PERSON	D	FIGHTING ANIMAL ATTACKING
25				WITHOUT PROVOCATION AND
26	15			DEATH RESULTING
27	750.50(4)	PUB ORD	G	ANIMAL NEGLECT OR CRUELTY --
28	2			SECOND OFFENSE
29	750.50(4)	PUB ORD	F	ANIMAL NEGLECT OR CRUELTY --
30	4			THIRD OR SUBSEQUENT OFFENSE
31	750.50B(2)	PROPERTY	F	KILLING OR TORTURING ANIMALS
	4			
32	750.50C(5)	PUB ORD	E	KILLING OR CAUSING SERIOUS
33				PHYSICAL HARM TO LAW

00322'97

1	750.50C(7)	PUB SAF	H	HARASSING OR CAUSING HARM TO
2				LAW ENFORCEMENT ANIMAL WHILE
3				COMMITTING CRIME
	2			
4	750.68	PROPERTY	G	CHANGING BRANDS WITH INTENT TO
5				STEAL
	4			
6	750.72	PERSON	B	ARSON OF A DWELLING HOUSE
	20			
7	750.73	PROPERTY	D	ARSON OF REAL PROPERTY
	10			
8	750.74	PERSON	F	ARSON OF PERSONAL PROPERTY
9				GREATER THAN \$50
	4			
10	750.75	PROPERTY	D	ARSON OF INSURED PROPERTY
	10			
11	750.77	PERSON	F	PREPARING TO BURN PERSONAL
12				PROPERTY GREATER THAN \$50
	4			
13	750.78	PUB SAF	F	ARSON OF WOODS AND PRAIRIES
	4			
14	750.79	PUB SAF	F	VIOLATING TOWNSHIP RULES CON-
15				CERNING CLEARING OF LAND AND
16				BURNING
	4			
17	750.80	PROPERTY	D	ARSON OF MINES
	LIFE			
18	750.81(4)	PERSON	G	DOMESTIC ASSAULT -- THIRD
19				OFFENSE
	2			
20	750.81A(3)	PERSON	G	AGGRAVATED DOMESTIC ASSAULT --
21				SECOND OFFENSE
	2			
22	750.82(1)	PERSON	F	FELONIOUS ASSAULT
	4			
23	750.82(2)	PERSON	F	FELONIOUS ASSAULT --
24				WEAPON-FREE SCHOOL ZONE
	4			
25	750.83	PERSON	A	ASSAULT WITH INTENT TO MURDER
	LIFE			
26	750.84	PERSON	D	ASSAULT WITH INTENT TO DO
27				GREAT BODILY HARM LESS THAN
28				MURDER
	10			
29	750.86	PERSON	D	ASSAULT WITH INTENT TO MAIM
	10			
30	750.87	PERSON	D	ASSAULT WITH INTENT TO COMMIT
31				A FELONY
	10			

32	750.88	PERSON	C	ASSAULT WITH INTENT TO COMMIT
33	15			UNARMED ROBBERY
34	750.89	PERSON	A	ASSAULT WITH INTENT TO COMMIT
35	LIFE			ARMED ROBBERY

00322'97

1	750.90	PERSON	D	SEXUAL INTERCOURSE UNDER PRETEXT OF MEDICAL TREATMENT
2	10			
3	750.91	PERSON	A	ATTEMPTED MURDER
	LIFE			
4	750.93	PROPERTY	G	REMOVING OR DESTROYING BONDS IN STATE TREASURY
5	10			
6	750.94	PROPERTY	G	ISSUING BANK NOTES WITHOUT COMPLYING WITH REQUIREMENTS
7	10			
8	750.95	PROPERTY	G	FRAUDULENT BANK NOTES
	10			
9	750.96	PROPERTY	G	FRAUDULENT DISPOSAL OF BANK PROPERTY
10	4			
11	750.97	PROPERTY	H	STATEMENTS DEROGATORY TO FINANCIAL CONDITION OF BANK
12	4			
13	750.98	PUB ORD	G	PRIVATE BANKING
	4			
14	750.99	PUB TRST	G	CERTIFYING CHECKS WITHOUT SUFFICIENT FUNDS
15	4			
16	750.100	PUB TRST	E	BANKS -- CONDUCTING BUSINESS WHEN INSOLVENT
17	5			
18	750.101	PUB TRST	E	VIOLATING FINANCIAL INSTITUTIONS ACT
19	5			
20	750.104	PROPERTY	F	FITTING BOAT WITH INTENT TO DESTROY
21	4			
22	750.105	PROPERTY	G	MAKING FALSE CARGO INVOICE FOR BOAT
23	4			
24	750.106	PROPERTY	G	BOATS -- MAKING OR PROCURING FALSE PROTEST
25	4			
26	750.110	PROPERTY	D	BREAKING AND ENTERING WITH INTENT TO COMMIT FELONY OR LARCENY
27				
28	10			
29	750.110A(4)	PERSON	B	HOME INVASION -- FIRST DEGREE
	20			
30	750.110A(5)	PERSON	C	HOME INVASION -- SECOND DEGREE
15				
31	750.111	PROPERTY	E	ENTERING WITHOUT BREAKING WITH INTENT TO COMMIT FELONY OR LARCENY
32				
33	5			

34 750.112
LIFE

PERSON

A

BURGLARY WITH EXPLOSIVES

00322'97

1	750.116 10	PROPERTY	E	POSSESSION OF BURGLAR'S TOOLS	
2	750.117 4	PUB TRST	F	BRIBING PUBLIC OFFICER	
3	750.118 10	PUB TRST	D	PUBLIC OFFICER ACCEPTING BRIBE	
4	750.119 4	PUB TRST	F	BRIBING JURORS AND OTHERS	
5	750.120 6 4	PUB TRST	F	JURORS AND OTHERS ACCEPTING BRIBES	
7	750.121 8 4	PUB TRST	F	BRIBING PUBLIC OFFICERS TO INFLUENCE CONTRACT	
9	750.124 4	PUB TRST	G	BRIBING ATHLETES	
10	750.128 2	PUB ORD	H	BUCKET SHOPS	
11	750.131(3)(A)(iv)	PROPERTY	H	NSF CHECKS -- \$50 OR LESS --	
12	MOS.			FOURTH OFFENSE	13
13	750.131(3)(B)(ii)	PROPERTY	H	NSF -- CHECKS \$50 TO 200 --	
14	MOS.			THIRD OFFENSE	13
15	750.131(3)(C) MOS.	PROPERTY	H	NSF CHECKS -- OVER \$200	13
16	750.131A(1) 2	PROPERTY	H	NO ACCOUNT CHECKS	
17	750.131A(2) 18 2	PROPERTY	H	NO ACCOUNT CHECKS -- THREE WITHIN 10 DAYS	
19	750.135 20 10	PERSON	D	EXPOSING CHILDREN WITH INTENT TO INJURE OR ABANDON	
21	750.136B(F)(2) 15	PERSON	C	CHILD ABUSE -- FIRST DEGREE	
22	750.136B(F)(3) 4	PERSON	F	CHILD ABUSE -- SECOND DEGREE	
23	750.136B(F)(4) 2	PERSON	G	CHILD ABUSE -- THIRD DEGREE	
24	750.145B 25 4	PERSON	F	ACOSTING CHILDREN FOR IMMORAL PURPOSES -- SECOND OFFENSE	
26	750.145C(2)	PERSON	B	CHILD SEXUALLY ABUSIVE ACTIV-	
27				ITY OR MATERIALS -- ACTIVE	
28				INVOLVEMENT	
29	750.145C(3) 20	PERSON	D	CHILD SEXUALLY ABUSIVE ACTIV-	

30
31
32

ITY OR MATERIALS -- DISTRIB-
UTING, PROMOTING, OR
FINANCING

7

33 750.145N(1)
34

PERSON

C

VULNERABLE ADULT ABUSE --
FIRST DEGREE

15

00322'97

1 2 4	750.145N(2)	PERSON	F	VULNERABLE ADULT ABUSE -- SECOND DEGREE
3 4 2	750.145N(3)	PERSON	G	VULNERABLE ADULT ABUSE -- THIRD DEGREE
5 6 7 5	750.145O	PERSON	E	DEATH OF VULNERABLE ADULT CAUSED BY UNLICENSED CARETAKER
8 9 10 11 2	750.145P(1)	PERSON	G	VULNERABLE ADULTS -- COMMINGL- ING FUNDS, OBSTRUCTING INVESTIGATION, OR FILING FALSE INFORMATION
12 13 14 2	750.145P(2)	PERSON	G	RETALIATION OR DISCRIMINATION BY CAREGIVER AGAINST VULNER- ABLE ADULT
15 16 5	750.145P(5)	PERSON	E	VULNERABLE ADULTS -- CAREGIVER VIOLATIONS -- SECOND OFFENSE
17 2	750.147B	PERSON	G	ETHNIC INTIMIDATION
18 19 4	750.149	PUB SAF	F	CONCEALING AN OFFENSE PUNISH- ABLE BY LIFE
20 5	750.157A(B)	PUB ORD	H	CONSPIRACY -- GAMBLING
21 22 5	750.157A(D)	PUB ORD	G	CONSPIRACY TO COMMIT LEGAL ACT IN ILLEGAL MANNER
23 LIFE	750.157B(2)	PERSON	A	SOLICITATION OF MURDER
24 25 26 5	750.157B(3)(A)	PUB ORD	E	SOLICITATION OF FELONY PUNISH- ABLE BY LIFE OR 5 OR MORE YEARS
27 28 2	750.157B(3)(B)	PUB ORD	G	SOLICITATION OF FELONY PUNISH- ABLE BY LESS THAN 5 YEARS
29 30 31 4	750.157N(1)	PROPERTY	H	FINANCIAL TRANSACTION DEVICE -- STEALING, RETAINING, OR USING WITHOUT CONSENT
32 33 34 4	750.157N(2)	PROPERTY	H	POSSESSING FRAUDULENT OR ALTERED FINANCIAL TRANSAC- TION DEVICE
35 36 37 38	750.157P	PROPERTY	H	POSSESSING FINANCIAL TRANSAC- TION DEVICE WITHOUT PERMIS- SION AND WITH INTENT TO USE OR SELL

4

00322'97

1	750.157Q	PROPERTY	H	DELIVERY OR SALE OF FRAUDULENT FINANCIAL TRANSACTION DEVICE
2	4			
3	750.157R	PROPERTY	H	FINANCIAL TRANSACTION DEVICE -- FORGERY, ALTERATION, OR COUNTERFEITING
4				
5	4			
6	750.157S	PROPERTY	H	USE OF REVOKED OR CANCELED FINANCIAL TRANSACTION DEVICE OVER \$100
7				
8	1			
9	750.157T	PROPERTY	H	FURNISHING GOODS OR SERVICES TO PERSON COMMITTING VIOLA- TION WITH FINANCIAL TRANSAC- TION DEVICE
10				
11				
12	4			
13	750.157U	PROPERTY	H	OVERCHARGING PERSON USING FINANCIAL TRANSACTION DEVICE
14	4			
15	750.157V	PROPERTY	H	FALSE STATEMENT OF IDENTITY TO OBTAIN FINANCIAL TRANSACTION DEVICE
16				
17	4			
18	750.157W	PROPERTY	H	FRAUDULENTLY WITHDRAWING OR TRANSFERRING MORE THAN \$500 WITH FINANCIAL TRANSACTION DEVICE
19				
20				
21	4			
22	750.158	PUB ORD	E	SODOMY
	15			
23	750.159J	PUB SAF	B	RACKETEERING
	20			
24	750.160	PUB ORD	D	DISINTERRING OR MUTILATING DEAD HUMAN BODIES
25	10			
26	750.160A	PUB ORD	H	PHOTOGRAPHING DEAD HUMAN BODIES
27	2			
28	750.161	PUB ORD	G	DESERTION/ABANDONMENT/NON- SUPPORT
29	3			
30	750.164	PUB ORD	F	DESERTION TO ESCAPE PROSECUTION
31	4			
32	750.165	PUB ORD	F	FAILING TO PAY SUPPORT AND LEAVING STATE
33	4			
34	750.171	PERSON	E	DUELLING
10				
35	750.174	PROPERTY	D	EMBEZZLEMENT BY AGENT OVER \$100
36	10			

37 750.175
38 10

PUB TRST D EMBEZZLEMENT BY PUBLIC
OFFICIAL OVER \$50

00322'97

1	750.176	PUB TRST	E	EMBEZZLEMENT BY ADMIN-
2	10			ISTRATOR/EXECUTOR/GUARDIAN
3	750.177	PROPERTY	H	EMBEZZLEMENT BY CHATTEL MORT-
4	2			GAGOR OVER \$100
5	750.178	PROPERTY	G	EMBEZZLEMENT OF MORTGAGED OR
6	2			LEASED PROPERTY -- OVER \$100
7	750.179	PROPERTY	G	EMBEZZLEMENT OF RAILROAD
8	4			TICKETS
9	750.180	PROPERTY	D	EMBEZZLEMENT BY FINANCIAL
10	20			INSTITUTIONS
11	750.181	PROPERTY	E	EMBEZZLEMENT OF JOINTLY HELD
12	10			PROPERTY OVER \$100
13	750.182	PROPERTY	G	EMBEZZLEMENT BY WAREHOUSES
	4			
14	750.182A	PUB TRST	H	FALSIFYING SCHOOL RECORDS
	2			
15	750.183	PUB SAF	E	AIDING ESCAPING PRISONER
	7			
16	750.186A(1)	PUB SAF	F	ESCAPE FROM A JUVENILE
17	4			FACILITY
18	750.189	PUB SAF	H	OFFICER NEGLIGENTLY ALLOWING
19				PRISONER TO ESCAPE OR REFUS-
20	2			ING TO RECEIVE PRISONER
21	750.190	PUB SAF	G	OFFICER RECEIVING REWARD TO
22	2			ASSIST OR PERMIT ESCAPE
23	750.193	PUB SAF	E	ESCAPE FROM PRISON
	5			
24	750.195(1)	PUB SAF	H	ESCAPE FROM A MISDEMEANOR JAIL
25	2			SENTENCE
26	750.195(2)	PUB SAF	F	ESCAPE FROM A FELONY JAIL
27	4			SENTENCE
28	750.197(1)	PUB SAF	H	ESCAPE WHILE AWAITING TRIAL
29	2			FOR MISDEMEANOR
30	750.197(2)	PUB SAF	F	ESCAPE WHILE AWAITING TRIAL
31	4			FOR FELONY
32	750.197C	PUB SAF	F	ESCAPE FROM JAIL THROUGH
33				VIOLENCE

4

34 750.199A
35

PUB ORD

F

ABSCONDING ON OR FORFEITING
BOND

4

00322'97

1	750.200	PUB SAF	F	EXPLOSIVES -- TRANSPORT BY
2	4			COMMON CARRIERS
3	750.201	PUB SAF	F	TRANSPORTATION OF CONCUSSION
4	4			OR FRICTION TYPE EXPLOSIVES
5	750.202	PUB SAF	F	SHIPPING EXPLOSIVES WITH FALSE
6	4			MARKINGS OR INVOICE
7	750.204	PUB SAF	E	SENDING EXPLOSIVES WITH INTENT
8	5			TO INJURE PERSONS
9	750.204A	PUB SAF	F	SENDING OR TRANSPORTING IMITA-
10				TION EXPLOSIVE DEVICE WITH
11	4			MALICIOUS INTENT
12	750.205	PUB SAF	C	PLACING EXPLOSIVES WITH THE
13	15			INTENT TO DESTROY PROPERTY
14	750.205A	PUB SAF	F	INTIMIDATION OR HARASSMENT BY
15				DEVICE REPRESENTED AS AN
16	4			EXPLOSIVE
17	750.206	PERSON	B	PLACING EXPLOSIVES WITH DAMAGE
18	25			TO PROPERTY RESULTING
19	750.208	PUB SAF	C	AIDING OR ABETTING EXPLOSIVES
20				PLACEMENT WITH INTENT TO
21	15			DESTROY PROPERTY
22	750.209	PUB SAF	C	PLACING FOUL OR OFFENSIVE SUB-
23	15			STANCE TO INJURE
24	750.209	PUB SAF	F	PLACING FOUL OR OFFENSIVE SUB-
25	4			STANCE TO ALARM
26	750.210	PUB SAF	E	POSSESSION OF BOMBS WITH
27	5			UNLAWFUL INTENT
28	750.210A	PUB SAF	H	SALE OF VALERIUM
	5			
29	750.211	PUB SAF	E	MANUFACTURE OF EXPLOSIVES WITH
30	5			UNLAWFUL INTENT
31	750.211A	PUB SAF	F	POSSESSING OR MANUFACTURING
32				DEVICE DESIGNED TO EXPLODE
33	4			UPON IMPACT OR HEATING
34	750.213	PERSON	B	THREATS TO EXTORT MONEY
	20			
35	750.218	PROPERTY	E	FALSE PRETENSES OVER \$100

10

00322'97

1	750.219A(2)(C)	PROPERTY	E	TELECOMMUNICATIONS FRAUD -- 2
2				PRIOR CONVICTIONS OR VALUE
3				BETWEEN \$1,000-\$20,000
5				
4	750.219A(2)(D)	PROPERTY	D	TELECOMMUNICATIONS FRAUD -- 3
5				OR MORE PRIOR CONVICTIONS OR
6				VALUE OVER OF \$20,000
10				
7	750.223(2)	PUB SAF	F	SALE OF FIREARM TO MINOR --
8				SECOND OFFENSE
4				
9	750.223(3)	PUB ORD	D	SALE OF FIREARM TO PERSON PRO-
10				HIBITED FROM POSSESSING
10				
11	750.224	PUB SAF	E	MANUFACTURE OR SALE OF
12				SILENCER, BOMB, BLACKJACK,
13				AUTOMATIC WEAPON, GAS SPRAY,
14				ETC.
5				
15	750.224A	PUB SAF	F	POSSESSION OR SALE OF ELECTRI-
16				CAL CURRENT WEAPONS
4				
17	750.224B	PUB SAF	E	POSSESSION OF SHORT BARRELED
18				SHOTGUN OR RIFLE
5				
19	750.224C	PUB SAF	F	ARMOR PIERCING AMMUNITION
4				
20	750.224D(2)	PERSON	G	USING SELF-DEFENSE SPRAY
21				DEVICE
2				
22	750.224E	PUB SAF	F	MANUFACTURE/SALE/POSSESSION OF
23				DEVICES TO CONVERT SEMIAUTO-
24				MATIC WEAPONS
4				
25	750.224F	PUB SAF	E	POSSESSION OR SALE OF FIREARM
26				BY FELON
5				
27	750.226	PUB SAF	E	CARRYING FIREARM OR DANGEROUS
28				WEAPON WITH UNLAWFUL INTENT
5				
29	750.227	PUB SAF	E	CARRYING A CONCEALED WEAPON
5				
30	750.227A	PUB SAF	F	UNLAWFUL POSSESSION OF PISTOL
4				
31	750.227C	PUB SAF	G	POSSESSING A LOADED FIREARM IN
32				OR UPON A VEHICLE
2				
33	750.227F	PUB SAF	F	WEARING BODY ARMOR DURING COM-
34				MISSION OF VIOLENT CRIME
4				
35	750.230	PUB SAF	G	ALTERING ID MARK ON FIREARM

2

36 750.232A(3)

PUB SAF

G

FALSE STATEMENT IN A PISTOL
APPLICATION

37

4

00322'97

1	750.234A	PUB SAF	F	DISCHARGING FIREARM FROM
2	4			VEHICLE
3	750.234B	PUB SAF	F	DISCHARGING FIREARM IN OR AT A
4	4			BUILDING
5	750.234C	PUB SAF	F	DISCHARGING FIREARM AT
6	4			EMERGENCY/POLICE VEHICLE
7	750.236	PERSON	C	SETTING SPRING GUN -- DEATH
8	15			RESULTING
9	750.237A(1)	PUB SAF	F	WEAPON-FREE SCHOOL ZONES --
10	VARIABLE			GENERAL FELONY VIOLATIONS
11	750.241(1)	PUB SAF	F	OBSTRUCTING FIREFIGHTER
	4			
12	750.241(3)	PUB SAF	F	OBSTRUCTING PUBLIC SERVICE
13				FACILITY PERSONNEL IN CIVIL
14	4			DISTURBANCE
15	750.248	PROPERTY	E	FORGERY
	14			
16	750.248A	PROPERTY	F	UTTERING & PUBLISHING FINAN-
17	4			CIAL TRANSACTION DEVICE
18	750.249	PROPERTY	E	UTTERING & PUBLISHING FORGED
19	14			RECORDS
20	750.249A	PROPERTY	H	MOLDS OR DIES TO FORGE FINAN-
21	4			CIAL TRANSACTION DEVICE
22	750.250	PROPERTY	E	FORGERY OF TREASURY NOTES
	7			
23	750.251	PROPERTY	E	FORGERY OF BANK BILLS
	7			
24	750.252	PROPERTY	E	POSSESSING COUNTERFEIT NOTES
	7			
25	750.253	PROPERTY	G	UTTERING COUNTERFEIT NOTES
	5			
26	750.254	PROPERTY	E	POSSESSION OF COUNTERFEIT
27	5			NOTES OR BILLS
28	750.255	PROPERTY	E	POSSESSION OF COUNTERFEITING
29	10			TOOLS
30	750.260	PROPERTY	E	COUNTERFEITING COINS OR POS-
31				SESSION OF 5 OR MORE COUN-
32	LIFE			TERFEIT COINS

33 750.261
34 10

PROPERTY E POSSESSION OF 5 OR FEWER COUN-
TERFEIT COINS

00322'97

1	750.262	PROPERTY	E	MANUFACTURE OR POSSESSION OF
2	10			TOOLS TO COUNTERFEIT COINS
3	750.266	PROPERTY	G	COUNTERFEITING RAILROAD
4	4			TICKETS
5	750.271	PROPERTY	E	FRAUDULENTLY ISSUING OR SELL-
6	10			ING DOMESTIC SECURITIES
7	750.272	PROPERTY	G	SALE OF FRAUDULENT STOCK OF
8	10			FOREIGN CORPORATIONS
9	750.273	PROPERTY	E	OBTAINING SIGNATURE TO FINAN-
10				CIAL DOCUMENT WITH INTENT TO
11	10			DEFRAUD
12	750.274	PROPERTY	E	FRAUD -- PURCHASING/COLLECTING
13				ON FRAUDULENT FINANCIAL
14	10			DOCUMENT
15	750.276	PROPERTY	G	FRAUD -- PROMISE TO VENDEE OF
16	4			GRAIN AT FICTITIOUS PRICE
17	750.277	PUB TRST	G	PROMISE TO VENDEE OF GRAIN TO
18				SELL AT A FICTITIOUS PRICE
19	4			-- SALE AND TRANSFER
20	750.278	PROPERTY	G	FRAUD -- WAREHOUSE RECEIPTS
	5			
21	750.279	PROPERTY	G	FRAUD -- DISPOSITION OF
22	4			EXHAUSTED PROPERTY
23	750.280	PROPERTY	E	GROSS FRAUDS/CHEATS AT COMMON
24	10			LAW
25	750.282	PUB ORD	G	PUBLIC UTILITY -- FRAUDULENT
26	4			USE OVER \$500
27	750.300	PUB ORD	G	ANIMALS -- KILLING/INJURING TO
28	2			DEFRAUD INSURANCE COMPANY
29	750.300A(1)(A)	PROPERTY	G	FOOD STAMP FRAUD -- \$250 OR
30	5			LESS -- SECOND OFFENSE
31	750.300A(1)(A)	PROPERTY	G	FOOD STAMP FRAUD -- \$250 OR
32	10			LESS -- THIRD OFFENSE
33	750.300A(1)(B)	PROPERTY	E	FOOD STAMP FRAUD -- MORE THAN
34	5			\$250 TO \$1,000
35	750.300A(1)(B)	PROPERTY	E	FOOD STAMP FRAUD -- MORE THAN

36
37

10

\$250 TO \$1,000 -- SECOND
OFFENSE

00322'97

1	750.300A(1)(C)	PROPERTY	E	FOOD STAMP FRAUD -- OVER
2	10			\$1,000
3	750.303	PUB ORD	H	GAMBLING -- VIOLATIONS
	2			
4	750.313	PUB ORD	H	GAMBLING --
5	2			STOCKS/BONDS/COMMODITIES
6	750.317	PERSON	M2	SECOND DEGREE MURDER
	LIFE			
7	750.321	PERSON	C	MANSLAUGHTER
	15			
8	750.322	PERSON	C	WILLFUL KILLING OF UNBORN
9	15			QUICK CHILD
10	750.323	PERSON	C	ABORTION RESULTING IN DEATH
	15			
11	750.324	PERSON	G	NEGLIGENT HOMICIDE
	2			
12	750.327	PERSON	A	HOMICIDE -- DEATH BY
13	LIFE			EXPLOSIVES/Common Carrier
14	750.328	PERSON	A	HOMICIDE -- BY EXPLOSIVES IN
15	LIFE			OR NEAR BUILDING
16	750.329	PERSON	C	HOMICIDE -- WEAPON AIMED WITH
17	15			INTENT BUT NOT MALICE
18	750.332	PROPERTY	H	ENTERING HORSE IN RACE UNDER
19	4			FALSE NAME
20	750.335A	PERSON	A	INDECENT EXPOSURE BY SEXUALLY
21	LIFE			DELINQUENT PERSON
22	750.338	PUB ORD	G	GROSS INDECENCY BETWEEN MALES
	5			
23	750.338A	PUB ORD	G	GROSS INDECENCY BETWEEN
24	5			FEMALES
25	750.338B	PUB ORD	G	GROSS INDECENCY BETWEEN MALES
26	5			AND FEMALES
27	750.348	PUB SAF	H	INCITING INDIANS TO VIOLATE A
28	4			TREATY
29	750.349	PERSON	A	KIDNAPPING
	LIFE			
30	750.349A	PERSON	A	PRISONER TAKING A HOSTAGE
	LIFE			

31	750.350 LIFE	PERSON	A	KIDNAPPING -- CHILD ENTICEMENT
32	750.350A	PERSON	H	KIDNAPPING -- CUSTODIAL
33	1			INTERFERENCE

00322'97

1	750.356 5	PROPERTY	E	LARCENY OVER \$100
2	750.356A 5	PROPERTY	G	LARCENY FROM A MOTOR VEHICLE
3 4	750.356B 4	PROPERTY	G	BREAKING AND ENTERING A COIN TELEPHONE
5	750.356C 2	PROPERTY	H	RETAIL FRAUD -- FIRST DEGREE
6	750.357 10	PERSON	D	LARCENY FROM THE PERSON
7	750.357A 4	PROPERTY	G	LARCENY OF LIVESTOCK
8 9	750.357B 5	PROPERTY	E	LARCENY -- STEALING FIREARMS OF ANOTHER
10	750.358 5	PROPERTY	G	LARCENY FROM BURNING BUILDING
11	750.360 4	PROPERTY	G	LARCENY IN A BUILDING
12 13	750.361 2	PROPERTY	H	TRAINS -- STEALING/MALICIOUSLY REMOVING PARTS
14	750.362 5	PROPERTY	E	LARCENY BY CONVERSION O/\$100
15	750.362A 2	PROPERTY	H	LARCENY OF RENTAL PROPERTY
16 17	750.363 5	PROPERTY	E	LARCENY BY FALSE PERSONATION OVER \$100
18 19 20	750.365 20	PERSON	D	LARCENY FROM CAR OR PERSONS DETAINED OR INJURED BY ACCIDENT
21	750.366 4	PROPERTY	G	LARCENY OF RAILROAD TICKETS
22 23	750.367 5	PROPERTY	G	LARCENY OF TREES & SHRUBS OVER \$100
24	750.367B 5	PROPERTY	E	AIRPLANES -- TAKING POSSESSION
25	750.372 2	PUB ORD	H	LOTTERY -- RUNNING/ALLOWING
26 27	750.373 2	PUB ORD	H	LOTTERY -- SELLING/POSSESSING TICKETS
28	750.374 4	PUB ORD	H	LOTTERY -- SECOND OFFENSE

29	750.377A	PROPERTY	G	MALICIOUS DESTRUCTION OF PER-
30				SONAL PROPERTY OVER \$100
	4			
31	750.377B	PROPERTY	F	MALICIOUS DESTRUCTION OF
32				FIRE/POLICE PROPERTY
	4			

00322'97

1	750.377C	PROPERTY	E	SCHOOL BUS -- INTENTIONAL
2	5			DAMAGE
3	750.378	PROPERTY	F	MALICIOUS DESTRUCTION OF PROP-
4	4			ERTY -- DAMS/CANALS/ MILLS
5	750.379	PROPERTY	F	MALICIOUS DESTRUCTION OF PROP-
6				ERTY -- BRIDGES/
7	4			RAILROADS/LOCKS
8	750.380	PROPERTY	F	MALICIOUS DESTRUCTION OF
9	4			BUILDING OVER \$100
10	750.383A	PROPERTY	F	MALICIOUS DESTRUCTION OF UTIL-
11	4			ITY EQUIPMENT
12	750.386	PROPERTY	E	MALICIOUS DESTRUCTION OF MINE
13	20			PROPERTY
14	750.387	PROPERTY	G	MALICIOUS DESTRUCTION OF TOMBS
15	5			& MEMORIALS
16	750.392	PROPERTY	E	MALICIOUS DESTRUCTION OF PROP-
17	10			ERTY -- VESSELS
18	750.397	PERSON	D	MAYHEM
	10			
19	750.397A	PERSON	D	PLACING HARMFUL OBJECTS IN
20	10			FOOD
21	750.405	PUB SAF	E	INCITING SOLDIERS TO DESERT
	5			
22	750.406	PUB SAF	E	MILITARY STORES -- LARCENY,
23	5			EMBEZZLEMENT OR DESTRUCTION
24	750.410A	PERSON	G	CONSPIRACY TO COMMIT A PERSON
25	4			TO STATE HOSPITAL UNJUSTLY
26	750.411A(1)(B)	PUB ORD	F	FALSE REPORT OF A FELONY
	4			
27	750.411A(2)	PUB ORD	F	FALSE REPORT OF A BOMBING OR
28	4			THREAT TO BOMB
29	750.411B	PUB TRST	G	EXCESS FEES TO MEMBERS OF
30				LEGISLATURE
	4			
31	750.411H(2)(B)	PERSON	E	STALKING OF A MINOR
	5			

32 750.411I(3)(A)
5

PERSON E AGGRAVATED STALKING

00322'97

1	750.411I(3)(B)	PERSON	D	AGGRAVATED STALKING OF A MINOR
10				
2	750.411I	PUB ORD	H	MONEY LAUNDERING -- FOURTH
3				DEGREE
2				
4	750.411M	PUB ORD	E	MONEY LAUNDERING -- THIRD
5				DEGREE
5				
6	750.411N	PUB ORD	D	MONEY LAUNDERING -- SECOND
7				DEGREE
10				
8	750.411O	PUB ORD	B	MONEY LAUNDERING -- FIRST
9				DEGREE
20				
10	750.411P(2)(A)	PROPERTY	B	MONEY LAUNDERING -- \$10,000+
11				PROCEEDS FROM CONTROLLED
12				SUBSTANCE OFFENSE
20				
13	750.411P(2)(B)	PROPERTY	D	MONEY LAUNDERING -- PROCEEDS
14				FROM CONTR. SUB. OFFENSE OR
15				OTHER \$10,000+
10				
16	750.411P(2)(C)	PROPERTY	E	MONEY LAUNDERING -- TRANSAC-
17				TIONS INVOLVING REPRESENTED
18				PROCEEDS
5				
19	750.413	PROPERTY	E	UNLAWFUL DRIVING AWAY OF AN
20				AUTOMOBILE
5				
21	750.414	PROPERTY	H	UNLAWFUL USE OF AN AUTOMOBILE
2				
22	750.415(2)	PROPERTY	G	MOTOR VEHICLES --
23				CONCEAL/MISREPRESENT IDEN-
24				TITY W/INTENT TO MISLEAD
4				
25	750.417	PROPERTY	H	MOTOR VEHICLE -- MORTGAGED --
26				REMOVAL FROM STATE
4				
27	750.418	PROPERTY	H	REMOVING A VEHICLE OUT OF
28				STATE -- CONDITIONAL
29				CONTRACT -- W/O CONSENT OF
30				VENDOR
4				

00322'97

1	750.420	PUB SAF	H	MOTOR VEHICLE -- EQUIPPING TO
2				RELEASE SMOKE/GAS
	4			
3	750.421	PUB SAF	H	MOTOR VEHICLE -- DESIGNED FOR
4				ATTACK
	5			
5	750.421B	PUB SAF	H	HINDER TRANSPORT OF
6				FARM/COMMERCIAL PRODUCTS --
7				SECOND OFFENSE
	2			
8	750.422	PUB TRST	G	PERJURY -- COMMITTED IN
9				COURT/CAPITAL CRIME
	LIFE			
10	750.422	PUB TRST	G	PERJURY -- COMMITTED IN
11				COURT/NONCAPITAL CRIME
	15			
12	750.423	PUB TRST	E	PERJURY
	15			
13	750.424	PUB TRST	E	SUBORNATION OF PERJURY
	15			
14	750.425	PUB TRST	E	INCITING OR PROCURING PERJURY
	5			
15	750.436(1)	PERSON	E	POISONING FOOD/DRINK/WELLS
	5			
16	750.436(2)	PERSON	A	POISON --
17				FOOD/DRINK/MEDICINE/WELLS --
18				LARGE AMOUNTS/INJURY
	LIFE			
19	750.436(3)	PUB SAF	H	POISON -- MALICIOUS FALSE
20				STATEMENT OF POISONING
	2			
21	750.439	PUB ORD	G	POLYGAMY
	4			
22	750.440	PUB ORD	G	POLYGAMY -- KNOWINGLY ENTERING
23				A PROHIBITED MARRIAGE
	4			
24	750.441	PUB ORD	G	TEACHING OR ADVOCATING
25				POLYGAMY
	4			

00322'97

1 4	750.442	PUB ORD	G	PARTICIPATING IN PRIZEFIGHTS
2 4	750.443	PUB ORD	G	PRIZEFIGHTS -- TRAINING
3 4 2	750.451	PUB ORD	G	PROSTITUTION -- VARIOUS OFFENSES THIRD OFFENSE
5 6 5	750.452	PUB ORD	E	KEEPING A HOUSE OF PROSTITUTION
7 20	750.455	PUB ORD	G	PANDERING
8 9 20	750.456	PERSON	B	PLACING SPOUSE INTO PROSTITUTION
10 11 20	750.457	PUB ORD	G	ACCEPTING EARNINGS OF A PROSTITUTE
12 13 20	750.458	PERSON	B	PROSTITUTION -- DETAINING FEMALE FOR DEBT
14 15 20	750.459	PERSON	B	TRANSPORTING A FEMALE FOR PROSTITUTION
16 17 2	750.479	PERSON	G	RESISTING OR OBSTRUCTING A PEACE OFFICER
18 19 2	750.479A(2)	PUB SAF	G	FLEEING & ELUDING -- FOURTH DEGREE
20 21 5	750.479A(3)	PUB SAF	E	FLEEING & ELUDING -- THIRD DEGREE
22 23 10	750.479A(4)	PERSON	D	FLEEING & ELUDING -- SECOND DEGREE
24 25 15	750.479A(5)	PERSON	C	FLEEING & ELUDING -- FIRST DEGREE

00322'97

1	750.479A(6)	PERSON	H	ASSAULTING PEACE OFFICER
2				
2	750.479B(1)	PERSON	F	DISARMING PEACE OFFICER --
3				NON-FIREARM
4				
4	750.479B(2)	PERSON	D	DISARMING PEACE OFFICER-
5				FIREARM
10				
6	750.480	PUB TRST	F	PUBLIC OFFICERS -- REFUSING TO
7				TURN OVER BOOKS/MONEY TO
8				SUCCESSOR
4				
9	750.488	PUB TRST	H	PUBLIC OFFICERS -- STATE OFFI-
10				CIAL -- RETAINING FEES
2				
11	750.490	PUB TRST	H	PUBLIC MONEY -- SAFE KEEPING
2				
12	750.491	PUB TRST	H	PUBLIC RECORDS --
13				REMOVAL/MUTILATION/DESTRUCTION
14				
2				
15	750.492A(1)(A)	PUB TRST	G	MEDICAL RECORD -- INTENTIONAL
16				PLACE FALSE INFO -- HEALTH
17				CARE PROVIDER
4				
18	750.492A(2)	PUB TRST	G	MEDICAL RECORD -- HEALTH CARE
19				PROVIDER ALTER CONCEAL
20				INJURY/DEATH
4				
21	750.495A(2)	PERSON	F	CONCEALING OBJECTS IN TREES OR
22				WOOD PRODUCTS -- CAUSING
23				INJURY
4				
24	750.495A(3)	PERSON	C	CONCEALING OBJECTS IN TREES OR
25				WOOD PRODUCTS -- CAUSING
26				DEATH
15				
27	750.505	PUB ORD	E	COMMON LAW OFFENSES
5				
28	750.511	PERSON	A	RAILROADS -- BLOCKING/WRECKING
29				TRACK
LIFE				

00322'97

1	750.512	PROPERTY	E	RAILROADS -- UNCOUPLING CARS (WILLFUL AND MALICIOUS)
2	10			
3	750.513	PROPERTY	H	RAILROADS -- ISSUING FRAUDU- LENT SECURITIES
4	10			
5	750.514	PROPERTY	H	RAILROADS -- SEIZING LOCOMO- TIVE WITH MAIL CAR
6	10			
7	750.516	PERSON	C	RAILROADS -- STOPPING TRAIN TO ROB
8	LIFE			
9	750.517	PERSON	C	RAILROADS -- BOARDING TRAIN TO ROB
10	LIFE			
11	750.520B	PERSON	A	FIRST DEGREE CRIMINAL SEXUAL CONDUCT
12	LIFE			
13	750.520C	PERSON	C	SECOND DEGREE CRIMINAL SEXUAL CONDUCT
14	15			
15	750.520D	PERSON	C	THIRD DEGREE CRIMINAL SEXUAL CONDUCT
16	15			
17	750.520E	PERSON	G	FOURTH DEGREE CRIMINAL SEXUAL CONDUCT
18	2			
19	750.520G(1)	PERSON	D	ASSAULT WITH INTENT TO COMMIT SEXUAL PENETRATION
20	10			
21	750.520G(2)	PERSON	E	ASSAULT WITH INTENT TO COMMIT SEXUAL CONTACT
22	5			
23	750.528	PUB SAF	F	DESTROYING DWELLING HOUSE OR OTHER PROPERTY
24	4			
25	750.528A	PUB SAF	F	CIVIL DISORDERS -- FIREARMS/EXPLOSIVES
26	4			
27	750.529	PERSON	A	ARMED ROBBERY
	LIFE			

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1	750.529A LIFE	PERSON	A	CARJACKING
2	750.530 15	PERSON	C	UNARMED ROBBERY
3	750.531 LIFE	PERSON	C	BANK ROBBERY/SAFEBREAKING
4	750.532 5	PERSON	H	SEDUCTION
5	750.535	PROPERTY	E	RECEIVING OR CONCEALING STOLEN PROPERTY OVER \$100
6	5			
7	750.535A 5	PUB ORD	E	OPERATING A CHOP SHOP
8	750.535B 10	PUB SAF	E	STOLEN FIREARMS OR AMMUNITION
9	750.539C 2	PUB ORD	H	EAVESDROPPING
10	750.539D	PUB ORD	H	EAVESDROPPING -- INSTALLING DEVICE
11	2			
12	750.539E	PUB ORD	H	DIVULGING INFORMATION OBTAINED BY EAVESDROPPING
13	2			
14	750.539F	PUB ORD	H	EAVESDROPPING -- MANUFACTURE/POSSESSION OF DEVICE
15				
16	2			
17	750.540	PUB ORD	H	TELEPHONE -- TAPPING/CUTTING LINES
18	2			
19	750.540C(3)	PROPERTY	F	TELECOMMUNICATIONS & COMPUTER -- MANUFACTURE OR DELIVER COUNTERFEIT COMMUNICATIONS
20				
21	4			
22	750.540F(2)	PROPERTY	E	TELECOMMUNICATIONS & COMPUTER -- KNOWINGLY PUBLISHING COUNTERFEIT DEVICES -- SECOND CONVICTION
23				
24				
25	5			

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1	750.540G(1)(C)	PROPERTY	E	TELECOMMUNICATIONS --
2				DIVERTING VALUE
3				\$1,000-\$20,000 OR PRIORS
5				
4	750.540G(1)(D)	PROPERTY	D	TELECOMMUNICATIONS -- DIVERT-
5				ING VALUE >\$20,000 OR PRIORS
10				
6	750.545	PUB ORD	E	MISPRISION OF TREASON
5				
7	750.552B	PROPERTY	F	TRESPASSING ON CORRECTIONAL
8				FACILITY PROPERTY
4				
9	SEC. 17. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES			
10	ENUMERATED IN CHAPTERS 751 TO 830 OF THE MICHIGAN COMPILED LAWS:			
11	M.C.L.	CATEGORY	CLASS	DESCRIPTION
	STAT MAX			
12	752.191	PUB SAF	G	FELONIOUS DRIVING
2				
13	752.365(3)	PUB ORD	G	OBSCENITY -- SECOND OFFENSE
2				
14	752.541	PUB SAF	D	RIOT
10				
15	752.542	PUB SAF	D	INCITEMENT TO RIOT
10				
16	752.542A	PUB SAF	D	RIOT IN STATE CORRECTIONAL
17				FACILITIES
10				
18	752.543	PUB SAF	G	UNLAWFUL ASSEMBLY
5				
19	752.701	PROPERTY	H	DESTRUCTION OR REMOVAL OF
20				TIMBER
1				
21	752.797(1)(C)	PROPERTY	E	COMPUTER FRAUD -- 2 PRIOR CON-
22				VICTIONS OR VALUE BETWEEN
23				\$1,000 AND \$20,000
5				
24	752.797(1)(D)	PROPERTY	D	COMPUTER FRAUD -- 3 OR MORE
25				PRIOR CONVICTIONS OR VALUE
26				OVER \$20,000
10				
27	752.802	PROPERTY	H	VENDING MACHINES --
28				MANUFACTURE/SALE OF SLUGS
5				
29	752.811	PROPERTY	H	BREAKING AND ENTERING A COIN
30				OPERATED DEVICE

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1	752.861	PERSON	G	CARELESS DISCHARGE OF FIREARM CAUSING INJURY OR DEATH
2	2			
3	752.881	PERSON	G	RECKLESS USE OF BOW & ARROW RESULTING IN INJURY OR DEATH
4	2			
5	752.1003	PROPERTY	F	HEALTH CARE FRAUD -- FALSE CLAIM/STATE, UNNECESSARY, CONCEAL INFO
6				
7	4			
8	752.1004	PROPERTY	F	HEALTH CARE FRAUD -- KICKBACKS/REFERRAL FEES
9	4			
10	752.1005	PROPERTY	H	HEALTH CARE FRAUD -- CONSPIRACY
11	10			
12	752.1006	PROPERTY	D	HEALTH CARE FRAUD -- SECOND OFFENSE
13	20			
14	752.1027	PERSON	F	ASSISTED SUICIDE
	4			
15	752.1054(2)	PROPERTY	G	COPYING AUDIO/VIDEO RECORDINGS FOR GAIN
16	5			
17	764.1E	PUB TRST	C	PEACE OFFICER -- FALSE STATE- MENT IN A COMPLAINT
18	15			
19	767.4A	PUB TRST	F	DISCLOSING OR POSSESSING GRAND JURY INFORMATION
20	4			
21	800.281(1)	PUB SAF	H	FURNISHING PRISONER WITH CONTRABAND
22	5			
23	800.281(2)	PUB SAF	H	FURNISHING PRISONER W/CONTRABAND OUTSIDE
24	5			
25	800.281(3)	PUB SAF	H	BRINGING CONTRABAND INTO PRISONS
26	5			
27	800.281(4)	PUB SAF	E	PRISONER POSSESSING CONTRABAND
	5			
28	800.283(1)	PUB SAF	E	FURNISHING WEAPON TO PRISONER IN PRISON
29	5			
30	800.283(2)	PUB SAF	E	PRISONS -- KNOWLEDGE OF A WEAPON IN A CORRECTIONAL FACILITY
31				
32	5			
33	800.283(3)	PUB SAF	E	BRINGING WEAPON INTO PRISON
	5			
34	800.283(4)	PUB SAF	E	PRISONER POSSESSING WEAPON

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1 SEC. 18. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES:

2

3	M.C.L. STAT MAX	CATEGORY	DESCRIPTION
4	333.7410	CS	CONTROLLED SUBSTANCE DELIVERY
5			OR DISTRIBUTION TO MINORS OR
6	VARIABLE		STUDENTS
7	333.7413(2) OR (3)	PUB TRST	SUBSEQUENT CONTROLLED SUB-
8	VARIABLE		STANCE VIOLATIONS
9	333.7416(1)(A)	CS	RECRUITING OR INDUCING A MINOR
10			TO COMMIT A CONTROLLED SUB-
11	VARIABLE		STANCE FELONY
12	750.157A(A)	PUB SAF	CONSPIRACY
	VARIABLE		
13	750.157C	PERSON	INDUCING MINOR TO COMMIT A
14	VARIABLE		FELONY
15	750.188	PUB ORD	VOLUNTARILY SUFFERING PRISONER
16	VARIABLE		TO ESCAPE
17	750.367A	PROPERTY	LARCENY OF RATIONED GOODS
	VARIABLE		

18 SEC. 19. (1) THIS CHAPTER APPLIES TO AN ATTEMPT TO COMMIT
 19 AN OFFENSE ENUMERATED IN THIS PART IF THE ATTEMPTED VIOLATION IS
 20 A FELONY. THIS CHAPTER DOES NOT APPLY TO AN ATTEMPT TO COMMIT A
 21 CLASS H OFFENSE ENUMERATED IN THIS PART.

22 (2) FOR AN ATTEMPT TO COMMIT AN OFFENSE ENUMERATED IN THIS
 23 PART, THE OFFENSE CATEGORY IS THE SAME AS THE ATTEMPTED OFFENSE.

24 (3) FOR AN ATTEMPT TO COMMIT AN OFFENSE ENUMERATED IN THIS
 25 PART, THE CLASS IS AS FOLLOWS:

26 (A) CLASS E IF THE ATTEMPTED OFFENSE IS IN CLASS A, B, C, OR
 27 D.

1 (B) CLASS H IF THE ATTEMPTED OFFENSE IS IN CLASS E, F, OR G.

2 PART 3

3 SCORING INSTRUCTIONS FOR SENTENCING GUIDELINES

4 SEC. 21. (1) FOR AN OFFENSE ENUMERATED IN PART 2 OF THIS
5 CHAPTER, DETERMINE THE RECOMMENDED MINIMUM SENTENCE RANGE AS
6 FOLLOWS:

7 (A) FIND THE OFFENSE CATEGORY FOR THE OFFENSE FROM PART 2 OF
8 THIS CHAPTER. FROM SECTION 22 OF THIS CHAPTER, DETERMINE THE
9 OFFENSE VARIABLES TO BE SCORED FOR THAT OFFENSE CATEGORY AND
10 SCORE ONLY THOSE OFFENSE VARIABLES FOR THE OFFENDER AS PROVIDED
11 IN PART 4 OF THIS CHAPTER. TOTAL THOSE POINTS TO DETERMINE THE
12 OFFENDER'S OFFENSE VARIABLE LEVEL.

13 (B) SCORE ALL PRIOR RECORD VARIABLES FOR THE OFFENDER AS
14 PROVIDED IN PART 5 OF THIS CHAPTER. TOTAL THOSE POINTS TO DETER-
15 MINE THE OFFENDER'S PRIOR RECORD VARIABLE LEVEL.

16 (C) FIND THE OFFENSE CLASS FOR THE OFFENSE FROM PART 2 OF
17 THIS CHAPTER. USING THE SENTENCING GRID FOR THAT OFFENSE CLASS
18 IN PART 6 OF THIS CHAPTER, DETERMINE THE RECOMMENDED MINIMUM SEN-
19 TENCE RANGE FROM THE INTERSECTION OF THE OFFENDER'S OFFENSE VARI-
20 ABLE LEVEL AND PRIOR RECORD VARIABLE LEVEL. THE RECOMMENDED MIN-
21 IMUM SENTENCE WITHIN A SENTENCING GRID IS SHOWN AS A RANGE OF
22 MONTHS OR LIFE.

23 (2) IF THE DEFENDANT WAS CONVICTED OF MULTIPLE OFFENSES,
24 SCORE THE APPLICABLE OFFENSE VARIABLES FOR THE OFFENSE WITH THE
25 HIGHEST STATUTORY MAXIMUM SENTENCE. IF THE HIGHEST STATUTORY
26 MAXIMUM APPLIES TO 2 OR MORE OF THE MULTIPLE OFFENSES, THE
27 OFFENSE VARIABLES FOR ANY 1 OF THOSE OFFENSES MAY BE SCORED UNDER

1 THIS SECTION. IF A CONSECUTIVE SENTENCE IS REQUIRED OR ALLOWED
2 FOR 1 OR MORE OF THE MULTIPLE OFFENSES, THE OFFENSE VARIABLES FOR
3 EACH OFFENSE TO BE SENTENCED CONSECUTIVELY SHALL BE SCORED UNDER
4 THIS SECTION.

5 (3) IF THE OFFENDER IS BEING SENTENCED UNDER SECTION 10, 11,
6 OR 12 OF CHAPTER IX, DETERMINE THE OFFENSE CATEGORY, OFFENSE
7 CLASS, OFFENSE VARIABLE LEVEL, AND PRIOR RECORD VARIABLE LEVEL
8 BASED ON THE UNDERLYING OFFENSE. TO DETERMINE THE RECOMMENDED
9 MINIMUM SENTENCE RANGE, INCREASE THE UPPER LIMIT OF THE RECOM-
10 MENDED MINIMUM SENTENCE RANGE DETERMINED UNDER PART 6 FOR THE
11 UNDERLYING OFFENSE AS FOLLOWS:

12 (A) IF THE OFFENDER IS BEING SENTENCED FOR A SECOND FELONY,
13 25%.

14 (B) IF THE OFFENDER IS BEING SENTENCED FOR A THIRD FELONY,
15 50%.

16 (C) IF THE OFFENDER IS BEING SENTENCED FOR A FOURTH OR SUB-
17 SEQUENT FELONY, 100%.

18 (4) IF THE OFFENDER IS BEING SENTENCED FOR A VIOLATION
19 DESCRIBED IN SECTION 18 OF THIS CHAPTER, DETERMINE THE OFFENSE
20 CLASS, OFFENSE VARIABLE LEVEL, AND PRIOR RECORD VARIABLE LEVEL
21 BASED ON THE UNDERLYING OFFENSE.

22 (5) IF THE OFFENDER IS BEING SENTENCED FOR AN ATTEMPTED
23 FELONY DESCRIBED IN SECTION 19 OF THIS CHAPTER, DETERMINE THE
24 OFFENSE VARIABLE LEVEL BASED ON THE UNDERLYING ATTEMPTED
25 OFFENSE.

26 SEC. 22. (1) FOR ALL CRIMES AGAINST A PERSON, SCORE OFFENSE
27 VARIABLES 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, AND 19. SCORE

1 OFFENSE VARIABLES 5 AND 6 FOR HOMICIDE OR ATTEMPTED HOMICIDE.
2 SCORE OFFENSE VARIABLE 16 UNDER THIS SUBSECTION FOR A VIOLATION
3 OR ATTEMPTED VIOLATION OF SECTION 110A OF THE MICHIGAN PENAL
4 CODE, 1931 PA 328, MCL 750.110A. SCORE OFFENSE VARIABLES 17 AND
5 18 IF AN ELEMENT OF THE OFFENSE OR ATTEMPTED OFFENSE INVOLVES THE
6 OPERATION OF A VEHICLE, VESSEL, AIRCRAFT, OR LOCOMOTIVE.

7 (2) FOR ALL CRIMES AGAINST PROPERTY, SCORE OFFENSE VARIABLES
8 1, 2, 3, 4, 9, 10, 12, 13, 14, 16, AND 19.

9 (3) FOR ALL CRIMES INVOLVING A CONTROLLED SUBSTANCE, SCORE
10 OFFENSE VARIABLES 1, 2, 3, 12, 13, 14, 15, AND 19.

11 (4) FOR ALL CRIMES AGAINST PUBLIC ORDER AND ALL CRIMES
12 AGAINST PUBLIC TRUST, SCORE OFFENSE VARIABLES 1, 3, 4, 9, 10, 12,
13 13, 14, 16, AND 19.

14 (5) FOR ALL CRIMES AGAINST PUBLIC SAFETY, SCORE OFFENSE
15 VARIABLES 1, 3, 4, 9, 10, 12, 13, 14, 16, AND 19. SCORE OFFENSE
16 VARIABLE 18 IF AN ELEMENT OF THE OFFENSE INVOLVES THE OPERATION
17 OF A VEHICLE, VESSEL, AIRCRAFT, OR LOCOMOTIVE.

18 PART 4

19 OFFENSE VARIABLES

20 SEC. 31. (1) OFFENSE VARIABLE 1 IS AGGRAVATED USE OF A
21 WEAPON. SCORE OFFENSE VARIABLE 1 BY DETERMINING WHICH OF THE
22 FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUT-
23 ABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

24 (A) A FIREARM WAS DISCHARGED AT OR TOWARD A HUMAN
25 BEING OR A VICTIM WAS CUT OR STABBED WITH A KNIFE OR
26 OTHER CUTTING OR STABBING WEAPON..... 25 POINTS

1 (B) A FIREARM WAS POINTED AT OR TOWARD A VICTIM
2 OR THE VICTIM HAD A REASONABLE APPREHENSION OF AN
3 IMMEDIATE BATTERY WHEN THREATENED WITH A KNIFE OR
4 OTHER CUTTING OR STABBING WEAPON..... 15 POINTS

5 (C) THE VICTIM WAS TOUCHED BY ANY OTHER TYPE OF
6 WEAPON..... 10 POINTS

7 (D) A WEAPON WAS DISPLAYED OR IMPLIED..... 5 POINTS

8 (E) NO AGGRAVATED USE OF A WEAPON OCCURRED..... 0 POINTS

9 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE

10 1:

11 (A) COUNT EACH PERSON WHO WAS PLACED IN DANGER OR INJURY OR
12 LOSS OF LIFE AS A VICTIM.

13 (B) IN MULTIPLE OFFENDER CASES, IF 1 OFFENDER IS ASSESSED
14 POINTS FOR THE PRESENCE OR USE OF A WEAPON, ALL OFFENDERS SHALL
15 BE ASSESSED THE SAME NUMBER OF POINTS.

16 (C) SCORE 5 POINTS IF AN OFFENDER USED AN OBJECT TO SUGGEST
17 THE PRESENCE OF A WEAPON.

18 (D) DO NOT SCORE 5 POINTS IF THE CONVICTION OFFENSE IS A
19 VIOLATION OF SECTION 82 OR 529 OF THE MICHIGAN PENAL CODE, 1931
20 PA 328, MCL 750.82 AND 750.529.

21 SEC. 32. (1) OFFENSE VARIABLE 2 IS LETHAL POTENTIAL OF THE
22 WEAPON POSSESSED. SCORE OFFENSE VARIABLE 2 BY DETERMINING WHICH
23 OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS
24 ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

25 (A) THE OFFENDER POSSESSED AN INCENDIARY DEVICE,
26 AN EXPLOSIVE DEVICE, OR A FULLY AUTOMATIC WEAPON..... 15 POINTS

1 (B) THE OFFENDER POSSESSED A SHORT BARRELED RIFLE
2 OR A SHORT BARRELED SHOTGUN..... 10 POINTS

3 (C) THE OFFENDER POSSESSED A PISTOL, RIFLE, SHOT-
4 GUN, OR KNIFE OR OTHER CUTTING OR STABBING WEAPON..... 5 POINTS

5 (D) THE OFFENDER POSSESSED ANY OTHER POTENTIALLY
6 LETHAL WEAPON..... 1 POINT

7 (E) THE OFFENDER POSSESSED NO WEAPON..... 0 POINTS

8 (2) IN MULTIPLE OFFENDER CASES, IF 1 OFFENDER IS ASSESSED
9 POINTS FOR POSSESSING A WEAPON, ALL OFFENDERS SHALL BE ASSESSED
10 THE SAME NUMBER OF POINTS.

11 (3) AS USED IN THIS SECTION:

12 (A) "FULLY AUTOMATIC WEAPON" MEANS A FIREARM EMPLOYING GAS
13 PRESSURE OR FORCE OF RECOIL OR OTHER MEANS TO EJECT AN EMPTY CAR-
14 TRIDGE FROM THE FIREARM AFTER A SHOT, AND TO LOAD AND FIRE THE
15 NEXT CARTRIDGE FROM THE MAGAZINE, WITHOUT RENEWED PRESSURE ON THE
16 TRIGGER FOR EACH SUCCESSIVE SHOT.

17 (B) "PISTOL", "RIFLE", OR "SHOTGUN" INCLUDES A REVOLVER,
18 SEMI-AUTOMATIC PISTOL, RIFLE, SHOTGUN, COMBINATION RIFLE AND
19 SHOTGUN, OR OTHER FIREARM MANUFACTURED IN OR AFTER 1898 THAT
20 FIRES FIXED AMMUNITION, BUT DOES NOT INCLUDE A FULLY AUTOMATIC
21 WEAPON OR SHORT-BARRELED SHOTGUN OR SHORT-BARRELED RIFLE.

22 (C) "INCENDIARY DEVICE" INCLUDES GASOLINE OR ANY OTHER FLAM-
23 MABLE SUBSTANCE, A BLOWTORCH, FIRE BOMB, MOLOTOV COCKTAIL, OR
24 OTHER SIMILAR DEVICE.

25 SEC. 33. (1) OFFENSE VARIABLE 3 IS PHYSICAL INJURY TO A
26 VICTIM. SCORE OFFENSE VARIABLE 3 BY DETERMINING WHICH OF THE

1 FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS
2 ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:
3 (A) A VICTIM WAS KILLED..... 100 POINTS
4 (B) LIFE THREATENING OR PERMANENT INCAPACITATING
5 INJURY OCCURRED TO A VICTIM..... 25 POINTS
6 (C) BODILY INJURY REQUIRING MEDICAL TREATMENT
7 OCCURRED TO A VICTIM..... 10 POINTS
8 (D) BODILY INJURY NOT REQUIRING MEDICAL TREATMENT
9 OCCURRED TO A VICTIM..... 5 POINTS
10 (E) NO PHYSICAL INJURY OCCURRED TO A VICTIM..... 0 POINTS
11 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
12 3:
13 (A) IN MULTIPLE OFFENDER CASES, IF 1 OFFENDER IS ASSESSED
14 POINTS FOR DEATH OR PHYSICAL INJURY, ALL OFFENDERS SHALL BE
15 ASSESSED THE SAME NUMBER OF POINTS.
16 (B) SCORE 100 POINTS IF DEATH RESULTS FROM THE COMMISSION OF
17 A CRIME AND HOMICIDE IS NOT THE SENTENCING OFFENSE.
18 (C) DO NOT SCORE 5 POINTS IF BODILY INJURY IS AN ELEMENT OF
19 THE SENTENCING OFFENSE.
20 (3) AS USED IN THIS SECTION, "REQUIRING MEDICAL TREATMENT"
21 REFERS TO THE NECESSITY FOR TREATMENT AND NOT THE VICTIM'S SUC-
22 CESS IN OBTAINING TREATMENT.
23 SEC. 34. (1) OFFENSE VARIABLE 4 IS PSYCHOLOGICAL INJURY TO
24 A VICTIM. SCORE OFFENSE VARIABLE 4 BY DETERMINING WHICH OF THE
25 FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUT-
26 ABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

1 (A) SERIOUS PSYCHOLOGICAL INJURY REQUIRING
2 PROFESSIONAL TREATMENT OCCURRED TO A VICTIM..... 10 POINTS

3 (B) NO SERIOUS PSYCHOLOGICAL INJURY REQUIRING
4 PROFESSIONAL TREATMENT OCCURRED TO A VICTIM..... 0 POINTS

5 (2) SCORE 10 POINTS IF THE SERIOUS PSYCHOLOGICAL INJURY MAY
6 REQUIRE PROFESSIONAL TREATMENT. IN MAKING THIS DETERMINATION,
7 THE FACT THAT TREATMENT HAS NOT BEEN SOUGHT IS NOT CONCLUSIVE.

8 SEC. 35. (1) OFFENSE VARIABLE 5 IS PSYCHOLOGICAL INJURY TO
9 A MEMBER OF A VICTIM'S FAMILY. SCORE OFFENSE VARIABLE 5 BY
10 DETERMINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE
11 NUMBER OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST
12 NUMBER OF POINTS:

13 (A) SERIOUS PSYCHOLOGICAL INJURY REQUIRING PRO-
14 FESSIONAL TREATMENT OCCURRED TO A HOMICIDE VICTIM'S
15 FAMILY..... 15 POINTS

16 (B) NO SERIOUS PSYCHOLOGICAL INJURY REQUIRING
17 PROFESSIONAL TREATMENT OCCURRED TO A HOMICIDE VICTIM'S
18 FAMILY..... 0 POINTS

19 (2) SCORE 15 POINTS IF THE SERIOUS PSYCHOLOGICAL INJURY TO
20 THE VICTIM'S FAMILY MAY REQUIRE PROFESSIONAL TREATMENT. IN
21 MAKING THIS DETERMINATION, THE FACT THAT TREATMENT HAS NOT BEEN
22 SOUGHT IS NOT CONCLUSIVE.

23 SEC. 36. (1) OFFENSE VARIABLE 6 IS THE OFFENDER'S INTENT TO
24 KILL OR INJURE ANOTHER INDIVIDUAL. SCORE OFFENSE VARIABLE 6 BY
25 DETERMINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE
26 NUMBER OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST
27 NUMBER OF POINTS:

1 (A) THE OFFENDER HAD PREMEDITATED INTENT TO KILL
 2 OR THE KILLING WAS COMMITTED WHILE COMMITTING OR
 3 ATTEMPTING TO COMMIT ARSON, CRIMINAL SEXUAL CONDUCT IN
 4 THE FIRST OR THIRD DEGREE, CHILD ABUSE IN THE FIRST
 5 DEGREE, A MAJOR CONTROLLED SUBSTANCE OFFENSE, ROBBERY,
 6 BREAKING AND ENTERING OF A DWELLING, HOME INVASION IN
 7 THE FIRST OR SECOND DEGREE, LARCENY OF ANY KIND,
 8 EXTORTION, OR KIDNAPPING OR THE KILLING WAS THE MURDER
 9 OF A PEACE OFFICER OR A CORRECTIONS OFFICER..... 50 POINTS

10 (B) THE OFFENDER HAD UNPREMEDITATED INTENT TO
 11 KILL, THE INTENT TO DO GREAT BODILY HARM, OR CREATED A
 12 VERY HIGH RISK OF DEATH OR GREAT BODILY HARM KNOWING
 13 THAT DEATH OR GREAT BODILY HARM WAS THE PROBABLE
 14 RESULT..... 25 POINTS

15 (C) THE OFFENDER HAD INTENT TO INJURE OR THE KIL-
 16 LING WAS COMMITTED IN AN EXTREME EMOTIONAL STATE
 17 CAUSED BY AN ADEQUATE PROVOCATION AND BEFORE A REASON-
 18 ABLE AMOUNT OF TIME ELAPSED FOR THE OFFENDER TO CALM
 19 OR THERE WAS GROSS NEGLIGENCE AMOUNTING TO AN UNREA-
 20 SONABLE DISREGARD FOR LIFE..... 10 POINTS

21 (D) THE OFFENDER HAD NO INTENT TO KILL OR INJURE. 0 POINTS

22 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
 23 6.

24 (A) THE SENTENCING JUDGE SHALL SCORE THIS VARIABLE CONSIS-
 25 TENT WITH A JURY VERDICT UNLESS THE JUDGE HAS INFORMATION THAT
 26 WAS NOT PRESENTED TO THE JURY.

1 (B) SCORE 10 POINTS IF A KILLING IS INTENTIONAL WITHIN THE
2 DEFINITION OF SECOND DEGREE MURDER OR VOLUNTARY MANSLAUGHTER, BUT
3 THE DEATH OCCURRED IN A COMBATIVE SITUATION OR IN RESPONSE TO
4 VICTIMIZATION OF THE OFFENDER BY THE DECEDENT.

5 SEC. 37. (1) OFFENSE VARIABLE 7 IS AGGRAVATED PHYSICAL
6 ABUSE. SCORE OFFENSE VARIABLE 7 BY DETERMINING WHICH OF THE FOL-
7 LOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUTABLE
8 TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

9 (A) A VICTIM WAS TREATED WITH TERRORISM, SADISM,
10 TORTURE, OR EXCESSIVE BRUTALITY..... 50 POINTS

11 (B) NO VICTIM WAS TREATED WITH TERRORISM, SADISM,
12 TORTURE, OR EXCESSIVE BRUTALITY..... 0 POINTS

13 (2) AS USED IN THIS SECTION:

14 (A) "TERRORISM" MEANS CONDUCT DESIGNED TO SUBSTANTIALLY
15 INCREASE THE FEAR AND ANXIETY A VICTIM SUFFERS DURING THE
16 OFFENSE.

17 (B) "SADISM" MEANS CONDUCT THAT SUBJECTS A VICTIM TO EXTREME
18 OR PROLONGED PAIN OR HUMILIATION AND IS INFLICTED TO PRODUCE SUF-
19 FERING OR FOR THE OFFENDER'S GRATIFICATION.

20 SEC. 38. (1) OFFENSE VARIABLE 8 IS VICTIM ASPORTATION OR
21 CAPTIVITY. SCORE OFFENSE VARIABLE 8 BY DETERMINING WHICH OF THE
22 FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUT-
23 ABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

24 (A) A VICTIM WAS ASPORTATED TO ANOTHER PLACE OF
25 GREATER DANGER OR TO A SITUATION OF GREATER DANGER OR
26 WAS HELD CAPTIVE BEYOND THE TIME NECESSARY TO COMMIT
27 THE OFFENSE..... 15 POINTS

1 (B) NO VICTIM WAS ASPORTATED OR HELD CAPTIVE..... 0 POINTS

2 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE

3 8:

4 (A) COUNT EACH PERSON WHO WAS PLACED IN DANGER OF INJURY OR
5 LOSS OF LIFE AS A VICTIM.

6 (B) SCORE 0 POINTS IF THE SENTENCING OFFENSE IS KIDNAPPING.
7 SEC. 39. (1) OFFENSE VARIABLE 9 IS NUMBER OF VICTIMS.

8 SCORE OFFENSE VARIABLE 9 BY DETERMINING WHICH OF THE FOLLOWING
9 APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUTABLE TO THE
10 ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

11 (A) MULTIPLE DEATHS OCCURRED..... 100 POINTS

12 (B) THERE WERE 10 OR MORE VICTIMS..... 25 POINTS

13 (C) THERE WERE 2 TO 9 VICTIMS..... 10 POINTS

14 (D) THERE WERE FEWER THAN 2 VICTIMS..... 0 POINTS

15 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE

16 9:

17 (A) COUNT EACH PERSON WHO WAS PLACED IN DANGER OF INJURY OR
18 LOSS OF LIFE AS A VICTIM.

19 (B) SCORE 100 POINTS ONLY IN HOMICIDE CASES.

20 SEC. 40. (1) OFFENSE VARIABLE 10 IS EXPLOITATION OF A VUL-
21 NERABLE VICTIM. SCORE OFFENSE VARIABLE 10 BY DETERMINING WHICH
22 OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS
23 ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

24 (A) PREDATORY CONDUCT WAS INVOLVED..... 15 POINTS

25 (B) THE OFFENDER EXPLOITED A VICTIM'S PHYSICAL
26 DISABILITY, MENTAL DISABILITY, YOUTH OR AGEDNESS, OR A

1 DOMESTIC RELATIONSHIP, OR THE OFFENDER ABUSED HIS OR
2 HER AUTHORITY STATUS..... 10 POINTS

3 (C) THE OFFENDER EXPLOITED A VICTIM BY HIS OR HER
4 DIFFERENCE IN SIZE OR STRENGTH, OR BOTH, OR EXPLOITED
5 A VICTIM WHO WAS INTOXICATED, UNDER THE INFLUENCE OF
6 DRUGS, ASLEEP, OR UNCONSCIOUS..... 5 POINTS

7 (D) THE OFFENDER DID NOT EXPLOIT A VICTIM'S
8 VULNERABILITY..... 0 POINTS

9 (2) THE MERE EXISTENCE OF 1 OR MORE FACTORS DESCRIBED IN
10 SUBSECTION (1) DOES NOT AUTOMATICALLY EQUATE WITH VICTIM
11 VULNERABILITY.

12 (3) AS USED IN THIS SECTION:

13 (A) "PREDATORY CONDUCT" MEANS PREEFFENSE CONDUCT DIRECTED AT
14 A VICTIM FOR THE PRIMARY PURPOSE OF VICTIMIZATION.

15 (B) "EXPLOIT" MEANS TO MANIPULATE A VICTIM FOR SELFISH OR
16 UNETHICAL PURPOSES.

17 (C) "VULNERABILITY" MEANS THE READILY APPARENT SUSCEPTIBIL-
18 ITY OF A VICTIM TO INJURY, PHYSICAL RESTRAINT, PERSUASION, OR
19 TEMPTATION.

20 (D) "ABUSE OF AUTHORITY STATUS" MEANS A VICTIM WAS EXPLOITED
21 OUT OF FEAR OR DEFERENCE TO AN AUTHORITY FIGURE, INCLUDING, BUT
22 NOT LIMITED TO, A PARENT, PHYSICIAN, OR TEACHER.

23 SEC. 41. (1) OFFENSE VARIABLE 11 IS CRIMINAL SEXUAL
24 PENETRATION. SCORE OFFENSE VARIABLE 11 BY DETERMINING WHICH OF
25 THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIB-
26 UTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

1 (A) TWO OR MORE CRIMINAL SEXUAL PENETRATIONS
2 OCCURRED..... 50 POINTS

3 (B) ONE CRIMINAL SEXUAL PENETRATION OCCURRED..... 25 POINTS

4 (C) NO CRIMINAL SEXUAL PENETRATION OCCURRED..... 0 POINTS

5 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
6 11:

7 (A) SCORE ALL SEXUAL PENETRATIONS OF THE VICTIM BY THE
8 OFFENDER ARISING OUT OF THE SENTENCING OFFENSE.

9 (B) MULTIPLE SEXUAL PENETRATIONS OF THE VICTIM BY THE
10 OFFENDER EXTENDING BEYOND THE SENTENCING OFFENSE MAY BE SCORED IN
11 OFFENSE VARIABLES 12 OR 13.

12 (C) DO NOT SCORE POINTS FOR THE 1 PENETRATION THAT FORMS THE
13 BASIS OF A FIRST- OR THIRD-DEGREE CRIMINAL SEXUAL CONDUCT
14 OFFENSE.

15 SEC. 42. (1) OFFENSE VARIABLE 12 IS CONTEMPORANEOUS FELONI-
16 OUS CRIMINAL ACTS. SCORE OFFENSE VARIABLE 12 BY DETERMINING
17 WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF
18 POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
19 POINTS:

20 (A) THREE OR MORE CONTEMPORANEOUS FELONIOUS CRIM-
21 INAL ACTS INVOLVING CRIMES AGAINST A PERSON WERE
22 COMMITTED..... 25 POINTS

23 (B) TWO CONTEMPORANEOUS FELONIOUS CRIMINAL ACTS
24 INVOLVING CRIMES AGAINST A PERSON WERE COMMITTED..... 10 POINTS

25 (C) THREE OR MORE CONTEMPORANEOUS FELONIOUS CRIM-
26 INAL ACTS INVOLVING OTHER CRIMES WERE COMMITTED..... 10 POINTS

1 (D) ONE CONTEMPORANEOUS FELONIOUS CRIMINAL ACT
2 INVOLVING A CRIME AGAINST A PERSON WAS COMMITTED..... 5 POINTS

3 (E) TWO CONTEMPORANEOUS FELONIOUS CRIMINAL ACTS
4 INVOLVING OTHER CRIMES WERE COMMITTED..... 5 POINTS

5 (F) ONE CONTEMPORANEOUS FELONIOUS CRIMINAL ACT
6 INVOLVING ANY OTHER CRIME WAS COMMITTED..... 1 POINT

7 (G) NO CONTEMPORANEOUS FELONIOUS CRIMINAL ACTS
8 WERE COMMITTED..... 0 POINTS

9 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
10 12:

11 (A) A FELONIOUS CRIMINAL ACT IS CONTEMPORANEOUS IF BOTH OF
12 THE FOLLOWING CIRCUMSTANCES EXIST:

13 (i) THE ACT OCCURRED WITHIN 24 HOURS OF THE SENTENCING
14 OFFENSE.

15 (ii) THE ACT HAS NOT AND WILL NOT RESULT IN A SEPARATE
16 CONVICTION.

17 (B) A VIOLATION OF SECTION 227B OF THE MICHIGAN PENAL CODE,
18 1931 PA 328, MCL 750.227B, SHOULD NOT BE CONSIDERED FOR SCORING
19 THIS VARIABLE.

20 (C) DO NOT SCORE CONDUCT SCORED IN OFFENSE VARIABLE 11.

21 SEC. 43. (1) OFFENSE VARIABLE 13 IS CONTINUING PATTERN OF
22 CRIMINAL BEHAVIOR. SCORE OFFENSE VARIABLE 13 BY DETERMINING
23 WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF
24 POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
25 POINTS:

1 (A) THE OFFENSE WAS PART OF A PATTERN OF
2 FELONIOUS CRIMINAL ACTIVITY INVOLVING 3 OR MORE CRIMES
3 AGAINST A PERSON..... 25 POINTS

4 (B) THE OFFENSE WAS PART OF A PATTERN OF FELONI-
5 OUS CRIMINAL ACTIVITY INVOLVING A COMBINATION OF 3 OR
6 MORE CRIMES AGAINST A PERSON OR PROPERTY..... 10 POINTS

7 (C) THE OFFENSE WAS PART OF A PATTERN OF FELONI-
8 OUS CRIMINAL ACTIVITY DIRECTLY RELATED TO MEMBERSHIP
9 IN AN ORGANIZED CRIMINAL GROUP..... 10 POINTS

10 (D) THE OFFENSE WAS PART OF A PATTERN OF FELONI-
11 OUS CRIMINAL ACTIVITY INVOLVING 3 OR MORE CRIMES
12 AGAINST PROPERTY..... 25 POINTS

13 (E) NO PATTERN OF FELONIOUS CRIMINAL ACTIVITY
14 EXISTED..... 0 POINTS

15 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
16 13:

17 (A) FOR DETERMINING THE APPROPRIATE POINTS UNDER THIS VARI-
18 ABLE, ALL CRIMES WITHIN A 5-YEAR PERIOD, INCLUDING THE SENTENCING
19 OFFENSE, SHALL BE COUNTED REGARDLESS OF WHETHER THE OFFENSE
20 RESULTED IN A CONVICTION.

21 (B) THE PRESENCE OR ABSENCE OF MULTIPLE OFFENDERS, THE AGE
22 OF THE OFFENDERS, OR THE DEGREE OF SOPHISTICATION OF THE ORGA-
23 NIZED CRIMINAL GROUP IS NOT AS IMPORTANT AS THE FACT OF THE
24 GROUP'S EXISTENCE, WHICH MAY BE REASONABLY INFERRED FROM THE
25 FACTS SURROUNDING THE SENTENCING OFFENSE.

1 (C) EXCEPT FOR OFFENSES RELATED TO MEMBERSHIP IN AN
2 ORGANIZED CRIMINAL GROUP, DO NOT SCORE CONDUCT SCORED IN OFFENSE
3 VARIABLE 11 OR 12.

4 SEC. 44. (1) OFFENSE VARIABLE 14 IS THE OFFENDER'S ROLE.
5 SCORE OFFENSE VARIABLE 14 BY DETERMINING WHICH OF THE FOLLOWING
6 APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUTABLE TO THE
7 ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

8 (A) THE OFFENDER WAS A LEADER IN A MULTIPLE
9 OFFENDER SITUATION..... 10 POINTS

10 (B) THE OFFENDER WAS NOT A LEADER IN A MULTIPLE
11 OFFENDER SITUATION..... 0 POINTS

12 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
13 14:

14 (A) THE ENTIRE CRIMINAL TRANSACTION SHOULD BE CONSIDERED
15 WHEN SCORING THIS VARIABLE.

16 (B) IF 3 OR MORE OFFENDERS WERE INVOLVED, MORE THAN 1
17 OFFENDER MAY BE DETERMINED TO HAVE BEEN A LEADER.

18 SEC. 45. (1) OFFENSE VARIABLE 15 IS AGGRAVATED CONTROLLED
19 SUBSTANCE OFFENSES. SCORE OFFENSE VARIABLE 15 BY DETERMINING
20 WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF
21 POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
22 POINTS:

23 (A) THE OFFENSE INVOLVED THE SALE OR DELIVERY OF
24 A CONTROLLED SUBSTANCE OTHER THAN MARIHUANA OR A MIX-
25 TURE CONTAINING A CONTROLLED SUBSTANCE OTHER THAN MAR-
26 IHUANA BY THE OFFENDER WHO WAS 18 YEARS OF AGE OR

- 1 OLDER TO A MINOR WHO WAS 3 OR MORE YEARS YOUNGER THAN
- 2 THE OFFENDER..... 25 POINTS
- 3 (B) THE OFFENSE INVOLVED THE SALE, DELIVERY, OR
- 4 POSSESSION WITH INTENT TO SELL OR DELIVER 225 GRAMS OR
- 5 MORE OF A CONTROLLED SUBSTANCE CLASSIFIED IN SCHEDULE
- 6 1 OR 2 OR A MIXTURE CONTAINING A CONTROLLED SUBSTANCE
- 7 CLASSIFIED IN SCHEDULE 1 OR 2..... 20 POINTS
- 8 (C) THE OFFENSE INVOLVED THE SALE, DELIVERY, OR
- 9 POSSESSION WITH INTENT TO SELL OR DELIVER 50 OR MORE
- 10 GRAMS BUT LESS THAN 225 GRAMS OF A CONTROLLED SUB-
- 11 STANCE CLASSIFIED IN SCHEDULE 1 OR 2, OR A MIXTURE
- 12 CONTAINING A CONTROLLED SUBSTANCE CLASSIFIED IN SCHED-
- 13 ULE 1 OR 2..... 15 POINTS
- 14 (D) THE OFFENSE INVOLVED THE SALE, DELIVERY, OR
- 15 POSSESSION WITH INTENT TO SELL OR DELIVER 45 KILOGRAMS
- 16 OR MORE OF MARIHUANA OR 200 OR MORE OF MARIHUANA
- 17 PLANTS..... 10 POINTS
- 18 (E) THE OFFENSE INVOLVED THE DELIVERY OR POSSES-
- 19 SION WITH INTENT TO DELIVER MARIHUANA OR ANY OTHER
- 20 CONTROLLED SUBSTANCE OR A COUNTERFEIT CONTROLLED SUB-
- 21 STANCE OR POSSESSION OF CONTROLLED SUBSTANCES OR COUN-
- 22 TERFEIT CONTROLLED SUBSTANCES HAVING A VALUE OR UNDER
- 23 SUCH CIRCUMSTANCES AS TO INDICATE TRAFFICKING..... 5 POINTS
- 24 (F) THE OFFENSE WAS NOT AN OFFENSE DESCRIBED IN
- 25 SUBDIVISION (A) THROUGH (E)..... 0 POINTS
- 26 (2) AS USED IN THIS SECTION:

1 (A) "DELIVER" MEANS THE ACTUAL OR CONSTRUCTIVE TRANSFER OF A
2 CONTROLLED SUBSTANCE FROM 1 INDIVIDUAL TO ANOTHER REGARDLESS OF
3 REMUNERATION.

4 (B) "MINOR" MEANS AN INDIVIDUAL 17 YEARS OF AGE OR LESS.

5 (C) "TRAFFICKING" MEANS THE SALE OR DELIVERY OF CONTROLLED
6 SUBSTANCES OR COUNTERFEIT CONTROLLED SUBSTANCES ON A CONTINUING
7 BASIS TO 1 OR MORE OTHER INDIVIDUALS FOR FURTHER DISTRIBUTION.

8 SEC. 46. (1) OFFENSE VARIABLE 16 IS PROPERTY OBTAINED, DAM-
9 AGED, LOST, OR DESTROYED. SCORE OFFENSE VARIABLE 16 BY DETERMIN-
10 ING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF
11 POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
12 POINTS:

13 (A) WANTON OR MALICIOUS DAMAGE OCCURRED BEYOND
14 THAT NECESSARY TO COMMIT THE CRIME FOR WHICH THE
15 OFFENDER IS NOT CHARGED AND WILL NOT BE CHARGED..... 10 POINTS

16 (B) THE PROPERTY HAD A VALUE OF MORE THAN
17 \$20,000.00 OR HAD SIGNIFICANT HISTORICAL, SOCIAL, OR
18 SENTIMENTAL VALUE..... 10 POINTS

19 (C) THE PROPERTY DESTROYED HAD A VALUE OF
20 \$1,000.00 OR MORE BUT NOT MORE THAN \$20,000.00..... 5 POINTS

21 (D) THE PROPERTY DESTROYED HAD A VALUE OF \$200.00
22 OR MORE BUT NOT MORE THAN \$1,000.00..... 1 POINT

23 (E) NO PROPERTY WAS OBTAINED, DAMAGED, LOST, OR
24 DESTROYED OR THE PROPERTY HAD A VALUE OF LESS THAN
25 \$200.00..... 0 POINTS

26 (2) ALL OF THE FOLLOWING APPLY TO SCORING OFFENSE VARIABLE
27 16:

1 (A) IN MULTIPLE OFFENDER OR VICTIM CASES, THE APPROPRIATE
 2 POINTS MAY BE DETERMINED BY ADDING TOGETHER THE AGGREGATE VALUE
 3 OF THE PROPERTY INVOLVED, INCLUDING PROPERTY INVOLVED IN
 4 UNCHARGED OFFENSES OR CHARGES DISMISSED UNDER A PLEA AGREEMENT.

5 (B) IN CASES IN WHICH THE PROPERTY WAS OBTAINED UNLAWFULLY,
 6 LOST TO THE LAWFUL OWNER, OR DESTROYED, USE THE VALUE OF THE
 7 PROPERTY IN SCORING THIS VARIABLE. IF THE PROPERTY WAS DAMAGED,
 8 USE THE MONETARY AMOUNT APPROPRIATE TO RESTORE THE PROPERTY TO
 9 PRE-OFFENSE CONDITION IN SCORING THIS VARIABLE.

10 (C) THE AMOUNT OF MONEY OR PROPERTY INVOLVED IN ADMITTED BUT
 11 UNCHARGED OFFENSES OR IN CHARGES THAT HAVE BEEN DISMISSED UNDER A
 12 PLEA AGREEMENT MAY BE CONSIDERED.

13 SEC. 47. (1) OFFENSE VARIABLE 17 IS DEGREE OF NEGLIGENCE
 14 EXHIBITED. SCORE OFFENSE VARIABLE 17 BY DETERMINING WHICH OF THE
 15 FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS ATTRIBUT-
 16 ABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

17 (A) THE OFFENDER SHOWED A WANTON OR RECKLESS DIS-
 18 REGARD FOR THE LIFE OR PROPERTY OF ANOTHER PERSON..... 10 POINTS

19 (B) THE OFFENDER FAILED TO SHOW THE DEGREE OF
 20 CARE THAT A PERSON OF ORDINARY PRUDENCE IN A SIMILAR
 21 SITUATION WOULD HAVE SHOWN..... 5 POINTS

22 (C) THE OFFENDER WAS NOT NEGLIGENT..... 0 POINTS

23 (2) DO NOT SCORE 10 POINTS IF POINTS ARE GIVEN IN OFFENSE
 24 VARIABLE 6.

25 SEC. 48. (1) OFFENSE VARIABLE 18 IS OPERATOR ABILITY
 26 AFFECTED BY ALCOHOL OR DRUGS. SCORE OFFENSE VARIABLE 18 BY
 27 DETERMINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE

1 NUMBER OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST

2 NUMBER OF POINTS:

3 (A) THE OFFENDER OPERATED A VEHICLE WHEN HIS OR
4 HER BODILY ALCOHOL CONTENT WAS 0.20 GRAMS OR MORE PER
5 100 MILLILITERS OF BLOOD, PER 210 LITERS OF BREATH, OR
6 PER 67 MILLILITERS OF URINE..... 20 POINTS

7 (B) THE OFFENDER OPERATED A VEHICLE WHEN HIS OR
8 HER BODILY ALCOHOL CONTENT WAS 0.15 GRAMS OR MORE BUT
9 LESS THAN 0.20 GRAMS PER 100 MILLILITERS OF BLOOD, PER
10 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE.. 15 POINTS

11 (C) THE OFFENDER OPERATED A VEHICLE WHEN HIS OR
12 HER BODILY ALCOHOL CONTENT WAS 0.10 GRAMS OR MORE BUT
13 LESS THAN 0.15 GRAMS PER 100 MILLILITERS OF BLOOD, PER
14 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE,
15 OR WHILE HE OR SHE WAS UNDER THE INFLUENCE OF INTOXI-
16 CATING LIQUOR OR A CONTROLLED SUBSTANCE OR A COMBINA-
17 TION OF INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE 10 POINTS

18 (D) THE OFFENDER OPERATED A VEHICLE WHEN HIS OR
19 HER BODILY ALCOHOL CONTENT WAS 0.07 GRAMS OR MORE BUT
20 LESS THAN 0.10 GRAMS PER 100 MILLILITERS OF BLOOD, PER
21 210 LITERS OF BREATH, OR PER 67 MILLILITERS OF URINE,
22 OR WHILE HE OR SHE WAS VISIBLY IMPAIRED BY THE USE OF
23 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE OR A
24 COMBINATION OF INTOXICATING LIQUOR OR A CONTROLLED
25 SUBSTANCE, OR WAS LESS THAN 21 YEAR OF AGE AND HAD ANY
26 BODILY ALCOHOL CONTENT..... 5 POINTS

1 (E) THE OFFENDER'S ABILITY TO OPERATE A VEHICLE
2 WAS NOT AFFECTED BY AN INTOXICATING LIQUOR OR A
3 CONTROLLED SUBSTANCE OR A COMBINATION OF INTOXICATING
4 LIQUOR AND A CONTROLLED SUBSTANCE..... 0 POINTS

5 (2) AS USED IN THIS SECTION, "ANY BODILY ALCOHOL CONTENT"
6 MEANS EITHER OF THE FOLLOWING:

7 (A) AN ALCOHOL CONTENT OF NOT LESS THAN 0.02 GRAMS OR MORE
8 THAN 0.07 GRAMS PER 100 MILLILITERS OF BLOOD, PER 210 LITERS OF
9 BREATH, OR PER 67 MILLILITERS OF URINE.

10 (B) ANY PRESENCE OF ALCOHOL WITHIN AN INDIVIDUAL'S BODY
11 RESULTING FROM THE CONSUMPTION OF INTOXICATING LIQUOR OTHER THAN
12 THE CONSUMPTION OF INTOXICATING LIQUOR AS PART OF A GENERALLY
13 RECOGNIZED RELIGIOUS SERVICE OR CEREMONY.

14 SEC. 49. OFFENSE VARIABLE 19 IS THREAT TO THE SECURITY OF A
15 PENAL INSTITUTION OR COURT OR INTERFERENCE WITH THE ADMINISTRA-
16 TION OF JUSTICE. SCORE OFFENSE VARIABLE 19 BY DETERMINING WHICH
17 OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF POINTS
18 ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF POINTS:

19 (A) THE OFFENDER BY HIS OR HER CONDUCT THREATENED
20 THE SECURITY OF A PENAL INSTITUTION OR COURT..... 25 POINTS

21 (B) THE OFFENDER USED FORCE OR THE THREAT OF
22 FORCE AGAINST ANOTHER PERSON OR THE PROPERTY OF
23 ANOTHER PERSON TO INTERFERE WITH OR ATTEMPT TO INTER-
24 FERE WITH THE ADMINISTRATION OF JUSTICE..... 15 POINTS

25 (C) THE OFFENDER OTHERWISE INTERFERED WITH OR
26 ATTEMPTED TO INTERFERE WITH THE ADMINISTRATION OF
27 JUSTICE..... 10 POINTS

1 (D) THE OFFENDER DID NOT THREATEN THE SECURITY OF
2 A PENAL INSTITUTION OR COURT OR INTERFERE WITH OR
3 ATTEMPT TO INTERFERE WITH THE ADMINISTRATION OF
4 JUSTICE..... 0 POINTS

5 PART 5

6 PRIOR RECORD VARIABLES

7 SEC. 51. (1) IN SCORING PRIOR RECORD VARIABLES 1 TO 5, DO
8 NOT USE ANY CONVICTION OR JUVENILE ADJUDICATION THAT PRECEDES A
9 PERIOD OF 10 OR MORE YEARS BETWEEN THE DISCHARGE DATE FROM A CON-
10 VICTION OR JUVENILE ADJUDICATION AND THE DEFENDANT'S COMMISSION
11 OF THE NEXT OFFENSE RESULTING IN A CONVICTION OR JUVENILE
12 ADJUDICATION.

13 (2) APPLY SUBSECTION (1) BY DETERMINING THE TIME BETWEEN THE
14 DISCHARGE DATE FOR THE PRIOR CONVICTION OR JUVENILE ADJUDICATION
15 MOST RECENTLY PRECEDING THE COMMISSION DATE OF THE SENTENCING
16 OFFENSE. IF IT IS 10 OR MORE YEARS, DO NOT USE THAT PRIOR CON-
17 VICTION OR JUVENILE ADJUDICATION AND ANY EARLIER CONVICTION OR
18 JUVENILE ADJUDICATION IN SCORING PRIOR RECORD VARIABLES. IF IT
19 IS LESS THAN 10 YEARS, USE THAT PRIOR CONVICTION OR JUVENILE
20 ADJUDICATION IN SCORING PRIOR RECORD VARIABLES AND DETERMINE THE
21 TIME BETWEEN THE COMMISSION DATE OF THAT PRIOR CONVICTION AND THE
22 DISCHARGE DATE OF THE NEXT EARLIER PRIOR CONVICTION OR JUVENILE
23 ADJUDICATION. IF THAT PERIOD IS 10 OR MORE YEARS, DO NOT USE
24 THAT PRIOR CONVICTION OR JUVENILE ADJUDICATION AND ANY EARLIER
25 CONVICTION OR JUVENILE ADJUDICATION IN SCORING PRIOR RECORD
26 VARIABLES. IF IT IS LESS THAN 10 YEARS, USE THAT PRIOR
27 CONVICTION OR JUVENILE ADJUDICATION IN SCORING PRIOR RECORD

1 VARIABLES AND REPEAT THIS DETERMINATION FOR EACH REMAINING PRIOR
2 CONVICTION OR JUVENILE ADJUDICATION UNTIL A PERIOD OF 10 OR MORE
3 YEARS IS FOUND OR NO PRIOR CONVICTIONS OR JUVENILE ADJUDICATIONS
4 REMAIN.

5 (3) IF A DISCHARGE DATE IS NOT AVAILABLE, ADD EITHER THE
6 TIME DEFENDANT WAS SENTENCED TO PROBATION OR THE LENGTH OF THE
7 MINIMUM INCARCERATION TERM TO THE DATE OF THE CONVICTION AND USE
8 THAT DATE AS THE DISCHARGE DATE.

9 (4) AS USED IN THIS SECTION:

10 (A) "CONVICTION" INCLUDES ANY OF THE FOLLOWING:

11 (i) ASSIGNMENT TO YOUTHFUL TRAINEE STATUS UNDER SECTIONS 11
12 TO 15 OF CHAPTER II.

13 (ii) A CONVICTION SET ASIDE UNDER 1965 PA 213, MCL 780.621
14 TO 780.624.

15 (B) "DISCHARGE DATE" MEANS THE DATE AN INDIVIDUAL IS DIS-
16 CHARGED FROM THE JURISDICTION OF THE COURT OR THE DEPARTMENT OF
17 CORRECTIONS AFTER BEING CONVICTED OF OR ADJUDICATED RESPONSIBLE
18 FOR A CRIME OR AN ACT THAT WOULD BE A CRIME IF COMMITTED BY AN
19 ADULT.

20 (C) "JUVENILE ADJUDICATION" INCLUDES AN ADJUDICATION SET
21 ASIDE UNDER SECTION 18E OF CHAPTER XIIA OF 1939 PA 288, MCL
22 712A.18E, OR EXPUNGED.

23 SEC. 52. (1) PRIOR RECORD VARIABLE 1 IS PRIOR HIGH SEVERITY
24 FELONY CONVICTIONS. SCORE PRIOR RECORD VARIABLE 1 BY DETERMINING
25 WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF
26 POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
27 POINTS:

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- 1 (A) THE OFFENDER HAS 3 OR MORE PRIOR HIGH
- 2 SEVERITY FELONY CONVICTIONS..... 75 POINTS
- 3 (B) THE OFFENDER HAS 2 PRIOR HIGH SEVERITY FELONY
- 4 CONVICTIONS..... 50 POINTS
- 5 (C) THE OFFENDER HAS 1 PRIOR HIGH SEVERITY FELONY
- 6 CONVICTION..... 25 POINTS
- 7 (D) THE OFFENDER HAS NO PRIOR HIGH SEVERITY
- 8 FELONY CONVICTIONS..... 0 POINTS

9 (2) AS USED IN THIS SECTION, "PRIOR HIGH SEVERITY FELONY
 10 CONVICTION" MEANS A CONVICTION FOR A CRIME LISTED IN OFFENSE
 11 CLASS M2, A, B, C, OR D OR FOR A FELONY UNDER A LAW OF THE UNITED
 12 STATES OR ANOTHER STATE CORRESPONDING TO A CRIME LISTED IN
 13 OFFENSE CLASS M2, A, B, C, OR D, IF THE CONVICTION WAS ENTERED
 14 BEFORE THE SENTENCING OFFENSE WAS COMMITTED.

15 SEC. 53. (1) PRIOR RECORD VARIABLE 2 IS PRIOR LOW SEVERITY
 16 FELONY CONVICTIONS. SCORE PRIOR RECORD VARIABLE 2 BY DETERMINING
 17 WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER OF
 18 POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
 19 POINTS:

- 20 (A) THE OFFENDER HAS 4 OR MORE PRIOR LOW SEVERITY
- 21 FELONY CONVICTIONS..... 30 POINTS
- 22 (B) THE OFFENDER HAS 3 PRIOR LOW SEVERITY FELONY
- 23 CONVICTIONS..... 20 POINTS
- 24 (C) THE OFFENDER HAS 2 PRIOR LOW SEVERITY FELONY
- 25 CONVICTIONS..... 10 POINTS
- 26 (D) THE OFFENDER HAS 1 PRIOR LOW SEVERITY FELONY
- 27 CONVICTION..... 5 POINTS

1 (E) THE OFFENDER HAS NO PRIOR LOW SEVERITY FELONY
2 CONVICTIONS..... 0 POINTS

3 (2) AS USED IN THIS SECTION, "PRIOR LOW SEVERITY FELONY
4 CONVICTION" MEANS A CONVICTION FOR A CRIME LISTED IN OFFENSE
5 CLASS E, F, G, OR H OR FOR A FELONY UNDER A LAW OF THE UNITED
6 STATES OR ANOTHER STATE THAT CORRESPONDS TO A CRIME LISTED IN
7 OFFENSE CLASS E, F, G, OR H, IF THE CONVICTION WAS ENTERED BEFORE
8 THE SENTENCING OFFENSE WAS COMMITTED.

9 SEC. 54. (1) PRIOR RECORD VARIABLE 3 IS PRIOR HIGH SEVERITY
10 JUVENILE ADJUDICATIONS. SCORE PRIOR RECORD VARIABLE 3 BY DETER-
11 MINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER
12 OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
13 POINTS:

14 (A) THE OFFENDER HAS 3 OR MORE PRIOR HIGH SEVER-
15 ITY JUVENILE ADJUDICATIONS..... 50 POINTS

16 (B) THE OFFENDER HAS 2 PRIOR HIGH SEVERITY JUVE-
17 NILE ADJUDICATIONS..... 25 POINTS

18 (C) THE OFFENDER HAS 1 PRIOR HIGH SEVERITY JUVE-
19 NILE ADJUDICATION..... 10 POINTS

20 (D) THE OFFENDER HAS NO PRIOR HIGH SEVERITY JUVE-
21 NILE ADJUDICATIONS..... 0 POINTS

22 (2) AS USED IN THIS SECTION, "PRIOR HIGH SEVERITY JUVENILE
23 ADJUDICATION" MEANS A JUVENILE ADJUDICATION FOR CONDUCT THAT
24 WOULD BE A CRIME LISTED IN OFFENSE CLASS M2, A, B, C, OR D IF
25 COMMITTED BY AN ADULT OR FOR CONDUCT THAT WOULD BE A FELONY UNDER
26 A LAW OF THE UNITED STATES OR ANOTHER STATE CORRESPONDING TO A
27 CRIME LISTED IN OFFENSE CLASS M2, A, B, C, OR D IF COMMITTED BY

1 AN ADULT, IF THE ORDER OF DISPOSITION WAS ENTERED BEFORE THE
2 SENTENCING OFFENSE WAS COMMITTED.

3 SEC. 55. (1) PRIOR RECORD VARIABLE 4 IS PRIOR LOW SEVERITY
4 JUVENILE ADJUDICATIONS. SCORE PRIOR RECORD VARIABLE 4 BY DETER-
5 MINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER
6 OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
7 POINTS:

8 (A) THE OFFENDER HAS 6 OR MORE PRIOR LOW SEVERITY
9 JUVENILE ADJUDICATIONS..... 20 POINTS

10 (B) THE OFFENDER HAS 4 OR 5 PRIOR LOW SEVERITY
11 JUVENILE ADJUDICATIONS..... 10 POINTS

12 (C) THE OFFENDER HAS 2 OR 3 PRIOR LOW SEVERITY
13 JUVENILE ADJUDICATIONS..... 5 POINTS

14 (D) THE OFFENDER HAS 1 PRIOR LOW SEVERITY JUVE-
15 NILE ADJUDICATION..... 2 POINTS

16 (F) THE OFFENDER HAS NO PRIOR LOW SEVERITY JUVE-
17 NILE ADJUDICATIONS..... 0 POINTS

18 (2) AS USED IN THIS SECTION, "PRIOR LOW SEVERITY JUVENILE
19 ADJUDICATION" MEANS A JUVENILE ADJUDICATION FOR CONDUCT THAT
20 WOULD BE A CRIME LISTED IN OFFENSE CLASS E, F, G, OR H IF COMMIT-
21 TED BY AN ADULT OR FOR CONDUCT THAT WOULD BE A FELONY UNDER A LAW
22 OF THE UNITED STATES OR ANOTHER STATE CORRESPONDING TO A CRIME
23 LISTED IN OFFENSE CLASS E, F, G, OR H IF COMMITTED BY AN ADULT,
24 IF THE ORDER OF DISPOSITION WAS ENTERED BEFORE THE SENTENCING
25 OFFENSE WAS COMMITTED.

26 SEC. 56. (1) PRIOR RECORD VARIABLE 5 IS PRIOR MISDEMEANOR
27 CONVICTIONS OR MISDEMEANOR ADJUDICATIONS. SCORE PRIOR RECORD

1 VARIABLE 5 BY DETERMINING WHICH OF THE FOLLOWING APPLY AND BY
2 ASSIGNING THE NUMBER OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS
3 THE HIGHEST NUMBER OF POINTS:

4 (A) THE OFFENDER HAS 7 OR MORE PRIOR MISDEMEANOR
5 CONVICTIONS OR JUVENILE ADJUDICATIONS..... 20 POINTS

6 (B) THE OFFENDER HAS 5 OR 6 PRIOR MISDEMEANOR
7 CONVICTIONS OR JUVENILE ADJUDICATIONS..... 15 POINTS

8 (C) THE OFFENDER HAS 3 OR 4 PRIOR MISDEMEANOR
9 CONVICTIONS OR JUVENILE ADJUDICATIONS..... 10 POINTS

10 (D) THE OFFENDER HAS 2 PRIOR MISDEMEANOR CONVIC-
11 TIONS OR JUVENILE ADJUDICATIONS..... 5 POINTS

12 (E) THE OFFENDER HAS 1 PRIOR MISDEMEANOR CONVIC-
13 TION OR JUVENILE ADJUDICATION..... 2 POINTS

14 (F) THE OFFENDER HAS NO PRIOR MISDEMEANOR CONVIC-
15 TIONS OR JUVENILE ADJUDICATIONS..... 0 POINTS

16 (2) ALL OF THE FOLLOWING APPLY TO SCORING RECORD VARIABLE
17 5:

18 (A) COUNT ONLY MISDEMEANOR JUVENILE ADJUDICATIONS FOR
19 ASSAULTIVE CRIMES.

20 (B) EXCEPT AS PROVIDED IN SUBDIVISION (C), COUNT A PRIOR
21 MISDEMEANOR CONVICTION ONLY IF IT IS A CRIME AGAINST A PERSON OR
22 PROPERTY, A CONTROLLED SUBSTANCE CRIME, OR A WEAPON OFFENSE ENU-
23 MERATED IN CHAPTER XXXVII OF THE MICHIGAN PENAL CODE, 1931 PA
24 328, MCL 750.222 TO 750.239A. DO NOT COUNT A PRIOR CONVICTION
25 USED TO ENHANCE THE SENTENCING OFFENSE TO A FELONY.

26 (C) COUNT ALL MISDEMEANOR CONVICTIONS FOR OPERATING A
27 VEHICLE, VESSEL, AIRCRAFT, OR LOCOMOTIVE WHILE UNDER THE

1 INFLUENCE OF OR IMPAIRED BY ALCOHOL, A CONTROLLED SUBSTANCE, OR A
2 COMBINATION OF ALCOHOL AND A CONTROLLED SUBSTANCE. DO NOT COUNT
3 A PRIOR CONVICTION USED TO ENHANCE THE SENTENCING OFFENSE TO A
4 FELONY.

5 SEC. 57. (1) PRIOR RECORD VARIABLE 6 IS RELATIONSHIP TO THE
6 CRIMINAL JUSTICE SYSTEM. SCORE PRIOR RECORD VARIABLE 6 BY DETER-
7 MINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE NUMBER
8 OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST NUMBER OF
9 POINTS:

10 (A) THE OFFENDER IS A PRISONER OF THE DEPARTMENT
11 OF CORRECTIONS OR SERVING A SENTENCE IN JAIL..... 20 POINTS

12 (B) THE OFFENDER IS INCARCERATED IN JAIL AWAITING
13 ADJUDICATION OR SENTENCING ON A CONVICTION OR PROBA-
14 TION VIOLATION..... 15 POINTS

15 (C) THE OFFENDER IS ON PAROLE, PROBATION, OR
16 DELAYED SENTENCE STATUS OR ON BOND AWAITING ADJUDICA-
17 TION OR SENTENCING FOR A FELONY..... 10 POINTS

18 (D) THE OFFENDER IS ON PROBATION OR DELAYED SEN-
19 TENCE STATUS OR ON BOND AWAITING ADJUDICATION OR SEN-
20 TENCING FOR A MISDEMEANOR..... 5 POINTS

21 (E) THE OFFENDER HAS NO RELATIONSHIP TO THE CRIM-
22 INAL JUSTICE SYSTEM..... 0 POINTS

23 (2) SCORE THE APPROPRIATE POINTS UNDER THIS SECTION IF THE
24 OFFENDER IS INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM IN ANOTHER
25 STATE OR UNITED STATES.

26 (3) AS USED IN THIS SECTION:

1 (A) "DELAYED SENTENCE STATUS" INCLUDES, BUT IS NOT LIMITED
2 TO, AN INDIVIDUAL ASSIGNED OR DEFERRED UNDER ANY OF THE
3 FOLLOWING:

4 (i) SECTION 7411 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
5 333.7411.

6 (ii) SECTION 350A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
7 MCL 750.350A.

8 (iii) SECTIONS 11 TO 15 OF CHAPTER II.

9 (iv) SECTION 4A OF CHAPTER IX.

10 (B) "PRISONER OF THE DEPARTMENT OF CORRECTIONS OR SERVING A
11 SENTENCE IN JAIL" INCLUDES AN INDIVIDUAL WHO IS AN ESCAPEE.

12 SEC. 58. (1) PRIOR RECORD VARIABLE 7 IS SUBSEQUENT OR CON-
13 CURRENT FELONY CONVICTIONS. SCORE PRIOR RECORD VARIABLE 7 BY
14 DETERMINING WHICH OF THE FOLLOWING APPLY AND BY ASSIGNING THE
15 NUMBER OF POINTS ATTRIBUTABLE TO THE ONE THAT HAS THE HIGHEST
16 NUMBER OF POINTS:

17 (A) THE OFFENDER HAS 2 OR MORE SUBSEQUENT OR CON-
18 CURRENT CONVICTIONS..... 20 POINTS

19 (B) THE OFFENDER HAS 1 SUBSEQUENT OR CONCURRENT
20 CONVICTION..... 10 POINTS

21 (C) THE OFFENDER HAS NO SUBSEQUENT OR CONCURRENT
22 CONVICTIONS..... 0 POINTS

23 (2) ALL OF THE FOLLOWING APPLY TO SCORING RECORD VARIABLE
24 7:

25 (A) SCORE THE APPROPRIATE POINT VALUE IF THE OFFENDER WAS
26 CONVICTED OF MULTIPLE FELONY COUNTS OR WAS CONVICTED OF A FELONY
27 AFTER THE SENTENCING OFFENSE WAS COMMITTED.

1 (B) DO NOT SCORE A FELONY FIREARM CONVICTION IN THIS
2 VARIABLE.

3 (C) DO NOT SCORE A CONCURRENT FELONY CONVICTION IF A CONSEC-
4 UTIVE SENTENCE WILL RESULT FROM THAT CONVICTION.

5 PART 6

6 SENTENCING GRIDS

7 SEC. 61. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
8 CLASS M2:

9	PRIOR RECORD VARIABLE LEVEL					
10	A	B	C	D	E	F
11	0	1-9	10-24	25-49	50-74	75+
12	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
13	OFFENSE					
14	VARIABLE					
15	LEVEL					
16	I					
17	0-49	90-150	144-240	162-270	180-300	225-375
18	POINTS				OR LIFE	OR LIFE
19	II					
20	50-99	144-240	162-270	180-300	225-375	270-450
21	POINTS			OR LIFE	OR LIFE	OR LIFE
22	III					
23	100+	162-270	180-300	225-375	270-450	315-525
24	POINTS	OR LIFE	OR LIFE	OR LIFE	OR LIFE	OR LIFE

1 SEC. 62. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR

2 CLASS A:

3	PRIOR RECORD VARIABLE LEVEL					
4	A	B	C	D	E	F
5	0	1-9	10-24	25-49	50-74	75+
6	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE					
8	VARIABLE					
9	LEVEL					
10	I					
11	0-19	21-35	27-45	42-70	51-85	81-135
12	POINTS					108-180
13	II					
14	20-39	27-45	42-70	51-85	81-135	108-180
15	POINTS					126-210
16	III					
17	40-59	42-70	51-85	81-135	108-180	126-210
18	POINTS					135-225
19	IV					
20	60-79	51-85	81-135	108-180	126-210	135-225
21	POINTS					171-285
22	V					
23	80-99	81-135	108-180	126-210	135-225	171-285
24	POINTS					225-375 OR LIFE
25	VI					
26	100+	108-180	126-210	135-225	171-285	225-375
27	POINTS					270-450 OR LIFE

1 SEC. 63. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR

2 CLASS B:

3 PRIOR RECORD VARIABLE LEVEL

4	A	B	C	D	E	F	
5	0	1-9	10-24	25-49	50-74	75+	
6	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS	
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-18	12-20	24-40	36-60	51-85	72-120
12	POINTS						
13	II						
14	10-24	12-20	15-25	30-50	51-85	72-120	78-130
15	POINTS						
16	III						
17	25-34	15-25	21-35	36-60	57-95	78-130	84-140
18	POINTS						
19	IV						
20	35-49	21-35	24-40	45-75	72-120	84-140	87-145
21	POINTS						
22	V						
23	50-74	24-40	36-60	51-85	78-130	87-145	99-160
24	POINTS						
25	VI						
26	75+	36-60	45-75	57-95	84-140	99-160	117-160
27	POINTS						

1 SEC. 64. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
 2 CLASS C:

		PRIOR RECORD VARIABLE LEVEL					
		A	B	C	D	E	F
		0	1-9	10-24	25-49	50-74	75+
7	OFFENSE	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-12	0-18	12-20	15-25	24-40	36-60
12	POINTS						
13	II						
14	10-24	0-18	6-18	15-25	24-40	36-60	45-75
15	POINTS						
16	III						
17	25-34	12-20	15-25	24-40	36-60	45-75	54-90
18	POINTS						
19	IV						
20	35-49	15-25	24-40	36-60	45-75	54-90	63-105
21	POINTS						
22	V						
23	50-74	24-40	36-60	45-75	54-90	63-105	72-120
24	POINTS						
25	VI						
26	75+	36-60	45-75	54-90	63-105	72-120	78-120
27	POINTS						

1 SEC. 65. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
 2 CLASS D:

3		PRIOR RECORD VARIABLE LEVEL					
4		A	B	C	D	E	F
5		0	1-9	10-24	25-49	50-74	75+
6		POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-6	0-9	0-12	0-18	6-24	12-24
12	POINTS						
13	II						
14	10-24	0-9	0-12	0-18	6-24	12-24	24-40
15	POINTS						
16	III						
17	25-34	0-12	0-18	6-24	12-24	24-40	36-60
18	POINTS						
19	IV						
20	35-49	0-18	6-24	12-24	24-40	36-60	42-70
21	POINTS						
22	V						
23	50-74	6-24	12-24	24-40	36-60	42-70	48-80
24	POINTS						
25	VI						
26	75+	12-24	24-40	36-60	42-70	48-80	54-80
27	POINTS						

1 SEC. 66. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
 2 CLASS E:

		PRIOR RECORD VARIABLE LEVEL					
		A	B	C	D	E	F
		0	1-9	10-24	25-49	50-74	75+
		POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-3	0-6	0-9	6-24	9-24	12-24
12	POINTS						
13	II						
14	10-24	0-6	0-9	0-12	9-24	12-24	15-25
15	POINTS						
16	III						
17	25-34	0-9	0-12	0-18	12-24	15-25	18-30
18	POINTS						
19	IV						
20	35-49	0-12	0-18	6-24	15-25	18-30	24-40
21	POINTS						
22	V						
23	50-74	0-15	6-24	9-24	18-30	24-40	27-40
24	POINTS						
25	VI						
26	75+	0-18	9-24	15-25	24-40	27-40	30-40
27	POINTS						

1 SEC. 67. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
 2 CLASS F:

		PRIOR RECORD VARIABLE LEVEL					
		A	B	C	D	E	F
		0	1-9	10-24	25-49	50-74	75+
7	OFFENSE	POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-3	0-6	0-9	3-18	6-24	12-24
12	POINTS						
13	II						
14	10-34	0-6	0-9	0-18	6-24	12-24	15-25
15	POINTS						
16	III						
17	35-74	0-9	0-18	3-18	12-24	15-25	18-30
18	POINTS						
19	IV						
20	75+	0-18	3-18	6-24	15-25	18-30	21-32
21	POINTS						

1 SEC. 68. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
 2 CLASS G:

		PRIOR RECORD VARIABLE LEVEL					
		A	B	C	D	E	F
		0	1-9	10-24	25-49	50-74	75+
		POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-3	0-6	0-9	0-12	0-18	3-18
12	POINTS						
13	II						
14	10-15	0-6	0-9	0-12	0-18	3-18	6-24
15	POINTS						
16	III						
17	16+	0-9	0-12	0-18	3-18	6-24	9-24
18	POINTS						

1 SEC. 69. THE FOLLOWING ARE THE MINIMUM SENTENCE RANGES FOR
 2 CLASS H:

		PRIOR RECORD VARIABLE LEVEL					
		A	B	C	D	E	F
		0	1-9	10-24	25-49	50-74	75+
		POINTS	POINTS	POINTS	POINTS	POINTS	POINTS
7	OFFENSE						
8	VARIABLE						
9	LEVEL						
10	I						
11	0-9	0-1	0-3	0-6	0-9	0-12	0-18
12	POINTS						
13	II						
14	10-15	0-3	0-6	0-9	0-12	0-18	3-18
15	POINTS						
16	III						
17	16+	0-6	0-9	0-12	0-18	3-18	6-18
18	POINTS						

19 CHAPTER XI

20 Sec. 14. (1) Before the court sentences a person charged
 21 with a felony or a person who is a licensee or registrant under
 22 article 15 of the public health code, ~~Act No. 368 of the Public~~
 23 ~~Acts of 1978, being sections 333.16101 to 333.18838 of the~~
 24 ~~Michigan Compiled Laws~~ 1978 PA 368, MCL 333.16101 TO 333.18838,
 25 as described in section 1(11) of chapter IX, and, if directed by
 26 the court, in any other case in which a person is charged with a
 27 misdemeanor within the jurisdiction of the court, the probation
 28 officer shall inquire into the antecedents, character, and cir-
 29 cumstances of the person, and shall report in writing to the
 30 court.

31 (2) A presentence investigation report prepared ~~pursuant~~
 32 ~~to~~ UNDER subsection (1) shall include all of the following:

1 (a) An evaluation of and a prognosis for the person's
2 adjustment in the community based on factual information con-
3 tained in the report.

4 (b) If requested by a victim, any written impact statement
5 submitted by the victim ~~pursuant to~~ UNDER the crime victim's
6 rights act, ~~Act No. 87 of the Public Acts of 1985, being~~
7 ~~sections 780.751 to 780.834 of the Michigan Compiled Laws~~ 1985
8 PA 87, MCL 780.751 TO 780.834.

9 (c) A specific written recommendation for disposition based
10 on the evaluation and other information as prescribed by the
11 assistant director of the department of corrections in charge of
12 probation.

13 (d) A statement prepared by the prosecuting attorney as to
14 whether consecutive sentencing is required or authorized by law.

15 (e) For a person to be sentenced ~~pursuant to~~ UNDER the
16 sentencing guidelines ~~enacted into law pursuant to section 33~~
17 ~~of~~ SET FORTH IN chapter ~~IX~~ IXA, all of the following:

18 (i) For each conviction entered, the sentence grid IN PART 6
19 OF CHAPTER IXA that contains the ~~appropriate~~ RECOMMENDED mini-
20 mum sentence ~~range~~ RANGES.

21 (ii) The computation that determines the ~~appropriate~~
22 RECOMMENDED minimum sentence range for each conviction entered.

23 (iii) A specific statement as to the applicability of inter-
24 mediate sanctions, as defined in section 31 of chapter IX.

25 (iv) The recommended sentence.

26 (f) If a person is to be sentenced for A FELONY OR FOR a
27 misdemeanor involving the illegal delivery, possession, or use of

1 alcohol or a controlled substance, ~~or a felony,~~ a statement
2 that the person is licensed or registered under article 15 of the
3 public health code, ~~Act No. 368 of the Public Acts of 1978,~~
4 ~~being sections 333.16101 to 333.18838 of the Michigan Compiled~~
5 ~~Laws~~ 1978 PA 368, MCL 333.16101 TO 333.18838, if applicable.

6 (g) Diagnostic opinions that are available and not exempted
7 from disclosure under subsection (3).

8 (3) The court may exempt from disclosure in the presentence
9 investigation report information or a diagnostic opinion that
10 might seriously disrupt a program of rehabilitation or sources of
11 information obtained on a promise of confidentiality. If a part
12 of the presentence investigation report is not disclosed, the
13 court shall state on the record the reasons for its action and
14 inform the defendant and his or her attorney that information has
15 not been disclosed. The action of the court in exempting infor-
16 mation from disclosure is subject to appellate review.
17 Information or a diagnostic opinion exempted from disclosure pur-
18 suant to this subsection shall be specifically noted in the pre-
19 sentence investigation report.

20 (4) The court shall permit the prosecutor, the defendant's
21 attorney, and the defendant to review the presentence investiga-
22 tion report before sentencing.

23 (5) At the time of sentencing, either party may challenge,
24 on the record, the accuracy or relevancy of any information con-
25 tained in the presentence investigation report. The court may
26 order an adjournment to permit the parties to prepare a challenge
27 or a response to a challenge. If the court finds on the record

1 that the challenged information is inaccurate or irrelevant, that
2 finding shall be made a part of the record, the presentence
3 investigation report shall be amended, and the inaccurate or
4 irrelevant information shall be stricken accordingly before the
5 report is transmitted to the department of corrections.

6 (6) On appeal, the defendant's attorney, or the defendant if
7 proceeding pro se, shall be provided with a copy of the presen-
8 tence investigation report and any attachments to the report with
9 the exception of any information exempted from disclosure ~~on~~
10 ~~the record,~~ by the court ~~pursuant to~~ UNDER subsection (3).

11 (7) If the person is committed to a state penal institution,
12 a copy or amended copy of the presentence investigation report
13 and, if a psychiatric examination of the person has been made for
14 the court, a copy of the psychiatric report shall accompany the
15 commitment papers. If the person is sentenced by fine or impris-
16 onment or placed on probation or other disposition of his or her
17 case is made by the court, a copy or amended copy of the presen-
18 tence investigation report, including a psychiatric examination
19 report made in the case, shall be filed with the department of
20 corrections.

21 (8) A prisoner under the jurisdiction of the department of
22 corrections shall be provided with a copy of any presentence
23 investigation report in the department's possession about that
24 prisoner, except for information exempted from disclosure
25 ~~pursuant to~~ UNDER subsection (3), not less than 30 days before
26 a parole interview is conducted ~~pursuant to~~ UNDER section 35 of

~~1 Act No. 232 of the Public Acts of 1953, being section 791.235 of~~
~~2 the Michigan Compiled Laws 1953 PA 232, MCL 791.235.~~