

SB 1398, As Passed Senate, November 29, 2000

**SUBSTITUTE FOR
SENATE BILL NO. 1398**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 451 (MCL 750.451).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 451. (1) ~~Any~~ A person ~~, male or female,~~ who
2 ~~shall be adjudged guilty of a violation of sections~~ VIOLATES
3 SECTION 448, 449, 449a, or 450 shall be punished by imprisonment
4 ~~in the county jail~~ for not more than 90 days or by a fine of
5 not more than \$100.00, or both. ~~Any~~ A person ~~, male or~~
6 ~~female, 17 years of age or older,~~ who ~~shall be adjudged guilty~~
7 ~~a second time of a violation of sections~~ VIOLATES SECTION 448,
8 449, 449a, or 450 ~~, the offense being charged as a second~~
9 ~~offense, shall be~~ AND HAS A PRIOR CONVICTION IS guilty of a
10 misdemeanor ~~, punishable by imprisonment in the county jail~~
11 for not more than 1 year or ~~by~~ a fine of not more than \$500.00,

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1 or both. ~~Any~~ A person ~~, male or female, adjudged guilty a~~
2 ~~third or any subsequent time of a violation of sections~~ WHO VIO-
3 LATES SECTION 448, 449, 449a, or 450 ~~, the offense being charged~~
4 ~~as a third or subsequent offense, shall be~~ AND HAS 2 OR MORE
5 PRIOR CONVICTIONS IS guilty of a felony ~~,~~ punishable by impris-
6 onment ~~in the state prison~~ for not more than 2 years.

7 (2) A PRIOR CONVICTION SHALL BE ESTABLISHED AT SENTENCING BY
8 1 OR MORE OF THE FOLLOWING:

9 (A) AN ABSTRACT OF CONVICTION.

10 (B) AN ADMISSION BY THE DEFENDANT.

11 (3) AS USED IN THIS SECTION, "PRIOR CONVICTION" MEANS A VIO-
12 LATION OF SECTION 448, 449, 449A, OR 450 OR A LOCAL ORDINANCE
13 SUBSTANTIALLY CORRESPONDING TO SECTION 448, 449, 449A, OR 450.