

SUBSTITUTE FOR
HOUSE BILL NO. 5389

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 17 of chapter XVII (MCL 777.17), as amended
by 2001 PA 136, and by adding sections 17b, 17c, 17d, 17f, and
17g to chapter XVII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER XVII

Sec. 17. ~~(1)~~ This chapter applies to the following felo-
nies enumerated in chapters 751 to 830 of the Michigan Compiled
Laws ~~—~~ AS SET FORTH IN SECTIONS 17A TO 17G OF THIS CHAPTER.

M.C.L.	Category	Class	Description	Stat	Max
752.272a(2)(c)	Pub saf	F	Sale or distribution of nitrous oxide device == 2 or more prior convictions	4	
752.365(3)	Pub ord	G	Obscenity == subsequent offense	2	

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1	752.541	Pub saf	D	Riot	10
2	752.542	Pub saf	D	Incitement to riot	10
3	752.542a	Pub saf	D	Riot in state correc-	
4				tional facilities	10
5	752.543	Pub saf	G	Unlawful assembly	5
6	752.797(1)(c)	Property	E	Computer fraud -- 2 prior	
7				convictions or value of	
8				\$1,000 to \$20,000	5
9	752.797(1)(d)	Property	D	Computer fraud -- 3 or	
10				more prior convictions	
11				or value of \$20,000 or	
12				more	10
13	752.797(2)(a)	Property	E	Unlawfully accessing com-	
14				puter, computer system,	
15				or computer program	5
16	752.797(2)(b)	Property	D	Unlawfully accessing com-	
17				puter, computer system,	
18				or computer program,	
19				with prior conviction	10
20	752.797(3)(b)	Variable	G	Using computer to commit	
21				crime punishable by a	
22				maximum term of impris-	
23				onment of more than	
24				1 year but less than	
25				2 years	2
26	752.797(3)(c)	Variable	F	Using computer to commit	
27				crime punishable by a	
28				maximum term of impris-	
29				onment of at least	
30				2 years but less than	
31				4 years	4
32	752.797(3)(d)	Variable	D	Using computer to commit	
33				crime punishable by a	
34				maximum term of impris-	
35				onment of at least	
36				4 years but less than	
37				10 years	7
38	752.797(3)(e)	Variable	D	Using computer to commit	
39				crime punishable by a	
40				maximum term of impris-	
41				onment of at least	
42				10 years but less than	
43				20 years	10

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1	752.797(3)(f)	Variable	B	Using computer to commit	
2				crime punishable by a	
3				maximum term of impris-	
4				onment of at least	
5				20 years or for life	20
6	752.802	Property	H	Vending machines --	
7				manufacture/sale of	
8				slugs	5
9	752.811	Property	H	Breaking and entering a	
10				coin operated device	3
11	752.861	Person	G	Careless discharge of	
12				firearm causing injury	
13				or death	2
14	752.881	Person	G	Reckless use of bow and	
15				arrow resulting in	
16				injury or death	2
17	752.1003	Property	F	Health care fraud --	
18				false claim/state,	
19				unnecessary, conceal	
20				information	4
21	752.1004	Property	F	Health care fraud --	
22				kickbacks/referral fees	4
23	752.1005	Property	H	Health care fraud --	
24				conspiracy	10
25	752.1006	Property	D	Health care fraud -- sub-	
26				sequent offense	20
27	752.1054(2)	Property	G	Copying audio/video	
28				recordings for gain	5
29	764.1e	Pub trst	C	Peace officer -- false	
30				statement in a	
31				complaint	15
32	767.4a	Pub trst	F	Disclosing or possessing	
33				grand jury information	4
34	767a.9(1)(a)	Pub trst	C	Perjury committed in	
35				prosecutor's investiga-	
36				tive hearing -- noncap-	
37				ital crime	15
38	767a.9(1)(b)	Pub trst	B	Perjury committed in	
39				prosecutor's	
40				investigative hearing	
41				-- capital crime	Life

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1	800.281(1)	Pub saf	H	Furnishing prisoner with	5
2				contraband	
3	800.281(2)	Pub saf	H	Furnishing prisoner with	5
4				contraband outside	
5	800.281(3)	Pub saf	H	Bringing contraband into	5
6				prisons	
7	800.281(4)	Pub saf	E	Prisoner possessing	5
8				contraband	
9	800.283(1)	Pub saf	E	Furnishing weapon to	5
10				prisoner in prison	
11	800.283(2)	Pub saf	E	Prisons -- knowledge of a	5
12				weapon in a correc-	
13				tional facility	
14	800.283(3)	Pub saf	E	Bringing weapon into	5
15				prison	
16	800.283(4)	Pub saf	E	Prisoner possessing	5
17				weapon	
18	801.262(1)(a)	Pub saf	E	Bringing weapon into jail	5
19	801.262(1)(b)	Pub saf	E	Furnishing weapon to	5
20				prisoner in jail	
21	801.262(2)	Pub saf	E	Prisoner in jail possess-	5
22				ing weapon	
23	801.263(1)	Pub saf	H	Furnishing contraband to	5
24				prisoner in jail	
25	801.263(2)	Pub saf	H	Prisoner in jail possess-	5
26				ing contraband	

27 ~~(2) For a violation of section 797(3) of 1979 PA 53,~~
28 ~~MCL 752.797, determine the offense category, offense variable~~
29 ~~level, and prior record variable level based on the underlying~~
30 ~~offense.~~

31 SEC. 17B. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
32 ENUMERATED IN CHAPTER 752 OF THE MICHIGAN COMPILED LAWS:

33	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT	MAX
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1	752.272A(2)(C)	PUB SAF	F	SALE OR DISTRIBUTION OF	
2				NITROUS OXIDE DEVICE --	
3				2 OR MORE PRIOR	
4				CONVICTIONS	4
5	752.365(3)	PUB ORD	G	OBSCENITY -- SUBSEQUENT	
6				OFFENSE	2
7	752.541	PUB SAF	D	RIOT	10
8	752.542	PUB SAF	D	INCITEMENT TO RIOT	10
9	752.542A	PUB SAF	D	RIOT IN STATE CORREC-	
10				TIONAL FACILITIES	10
11	752.543	PUB SAF	G	UNLAWFUL ASSEMBLY	5

12 SEC. 17C. (1) THIS CHAPTER APPLIES TO THE FOLLOWING FELO-
 13 NIES ENUMERATED IN CHAPTER 752 OF THE MICHIGAN COMPILED LAWS:

14	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
15	752.797(1)(C)	PROPERTY	E	COMPUTER FRAUD -- 2 PRIOR	
16				CONVICTIONS OR VALUE OF	
17				\$1,000 TO \$20,000	5
18	752.797(1)(D)	PROPERTY	D	COMPUTER FRAUD -- 3 OR	
19				MORE PRIOR CONVICTIONS	
20				OR VALUE OF \$20,000 OR	
21				MORE	10
22	752.797(2)(A)	PROPERTY	E	UNLAWFULLY ACCESSING COM-	
23				PUTER, COMPUTER SYSTEM,	
24				OR COMPUTER PROGRAM	5
25	752.797(2)(B)	PROPERTY	D	UNLAWFULLY ACCESSING COM-	
26				PUTER, COMPUTER SYSTEM,	
27				OR COMPUTER PROGRAM,	
28				WITH PRIOR CONVICTION	10
29	752.797(3)(B)	VARIABLE	G	USING COMPUTER TO COMMIT	
30				CRIME PUNISHABLE BY A	
31				MAXIMUM TERM OF IMPRIS-	
32				ONMENT OF MORE THAN	
33				1 YEAR BUT LESS THAN	
34				2 YEARS	2
35	752.797(3)(C)	VARIABLE	F	USING COMPUTER TO COMMIT	
36				CRIME PUNISHABLE BY A	
37				MAXIMUM TERM OF IMPRIS-	
38				ONMENT OF AT LEAST	
39				2 YEARS BUT LESS THAN	
40				4 YEARS	4

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1	752.797(3)(D)	VARIABLE	D	USING COMPUTER TO COMMIT	
2				CRIME PUNISHABLE BY A	
3				MAXIMUM TERM OF IMPRIS-	
4				ONMENT OF AT LEAST	
5				4 YEARS BUT LESS THAN	
6				10 YEARS	7
7	752.797(3)(E)	VARIABLE	D	USING COMPUTER TO COMMIT	
8				CRIME PUNISHABLE BY A	
9				MAXIMUM TERM OF IMPRIS-	
10				ONMENT OF AT LEAST	
11				10 YEARS BUT LESS THAN	
12				20 YEARS	10
13	752.797(3)(F)	VARIABLE	B	USING COMPUTER TO COMMIT	
14				CRIME PUNISHABLE BY A	
15				MAXIMUM TERM OF IMPRIS-	
16				ONMENT OF AT LEAST	
17				20 YEARS OR FOR LIFE	20

18 (2) FOR A VIOLATION OF SECTION 797(3) OF 1979 PA 53,
 19 MCL 752.797, DETERMINE THE OFFENSE CATEGORY, OFFENSE VARIABLE
 20 LEVEL, AND PRIOR RECORD VARIABLE LEVEL BASED ON THE UNDERLYING
 21 OFFENSE.

22 SEC. 17D. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
 23 ENUMERATED IN CHAPTER 752 OF THE MICHIGAN COMPILED LAWS:

24	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
25	752.802	PROPERTY	H	VENDING MACHINES --	
26				MANUFACTURE/SALE OF	
27				SLUGS	5
28	752.811	PROPERTY	H	BREAKING AND ENTERING A	
29				COIN OPERATED DEVICE	3
30	752.861	PERSON	G	CARELESS DISCHARGE OF	
31				FIREARM CAUSING INJURY	
32				OR DEATH	2
33	752.881	PERSON	G	RECKLESS USE OF BOW AND	
34				ARROW RESULTING IN	
35				INJURY OR DEATH	2
36	752.1003	PROPERTY	F	HEALTH CARE FRAUD --	
37				FALSE CLAIM/STATE,	
38				UNNECESSARY, CONCEAL	
39				INFORMATION	4

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1	752.1004	PROPERTY	F	HEALTH CARE FRAUD --	
2				KICKBACKS/REFERRAL FEES	4
3	752.1005	PROPERTY	H	HEALTH CARE FRAUD --	
4				CONSPIRACY	10
5	752.1006	PROPERTY	D	HEALTH CARE FRAUD -- SUB-	
6				SEQUENT OFFENSE	20
7	752.1054(2)	PROPERTY	G	COPYING AUDIO/VIDEO	
8				RECORDINGS FOR GAIN	5

9 SEC. 17F. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
 10 ENUMERATED IN CHAPTERS 760 TO 799 OF THE MICHIGAN COMPILED LAWS:

11	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
12	764.1E	PUB TRST	C	PEACE OFFICER -- FALSE	
13				STATEMENT IN A	
14				COMPLAINT	15
15	767.4A	PUB TRST	F	DISCLOSING OR POSSESSING	
16				GRAND JURY INFORMATION	4
17	767A.9(1)(A)	PUB TRST	C	PERJURY COMMITTED IN	
18				PROSECUTOR'S INVESTIGA-	
19				TIVE HEARING -- NONCAP-	
20				ITAL CRIME	15
21	767A.9(1)(B)	PUB TRST	B	PERJURY COMMITTED IN	
22				PROSECUTOR'S INVESTIGA-	
23				TIVE HEARING -- CAPITAL	
24				CRIME	LIFE

25 SEC. 17G. THIS CHAPTER APPLIES TO THE FOLLOWING FELONIES
 26 ENUMERATED IN CHAPTERS 800 TO 830 OF THE MICHIGAN COMPILED LAWS:

27	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
28	800.281(1)	PUB SAF	H	FURNISHING PRISONER WITH	
29				CONTRABAND	5
30	800.281(2)	PUB SAF	H	FURNISHING PRISONER WITH	
31				CONTRABAND OUTSIDE	5
32	800.281(3)	PUB SAF	H	BRINGING CONTRABAND INTO	
33				PRISONS	5
34	800.281(4)	PUB SAF	E	PRISONER POSSESSING	
35				CONTRABAND	5

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1	800.283(1)	PUB SAF	E	FURNISHING WEAPON TO	
2				PRISONER IN PRISON	5
3	800.283(2)	PUB SAF	E	PRISONS -- KNOWLEDGE OF A	
4				WEAPON IN A CORREC-	
5				TIONAL FACILITY	5
6	800.283(3)	PUB SAF	E	BRINGING WEAPON INTO	
7				PRISON	5
8	800.283(4)	PUB SAF	E	PRISONER POSSESSING	
9				WEAPON	5
10	801.262(1)(A)	PUB SAF	E	BRINGING WEAPON INTO JAIL	5
11	801.262(1)(B)	PUB SAF	E	FURNISHING WEAPON TO	
12				PRISONER IN JAIL	5
13	801.262(2)	PUB SAF	E	PRISONER IN JAIL POSSESS-	
14				ING WEAPON	5
15	801.263(1)	PUB SAF	H	FURNISHING CONTRABAND TO	
16				PRISONER IN JAIL	5
17	801.263(2)	PUB SAF	H	PRISONER IN JAIL POSSESS-	
18				ING CONTRABAND	5
19	Enacting section 1. This amendatory act takes effect				
20	February 1, 2002.				