

HOUSE BILL No. 5389

November 1, 2001, Introduced by Reps. McConico, Faunce, Julian and O'Neil and referred to the Committee on Criminal Justice.

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 2000 PA 300, and by adding sections 17b, 17c, 17d, 17f, and 17g to chapter XVII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVII

Sec. 17. ~~(1)~~ This chapter applies to the following felonies 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
752.191	Pub saf	G	Felonious driving	2	
752.273(2)(c)	Pub saf	F	Sale or distribution of nitrous oxide device -- 2 or more prior convictions	4	

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1	752.365(3)	Pub ord	G	Obscenity -- subsequent	
2				offense	2
3	752.541	Pub saf	D	Riot	10
4	752.542	Pub saf	D	Incitement to riot	10
5	752.542a	Pub saf	D	Riot in state correc-	
6				tional facilities	10
7	752.543	Pub saf	G	Unlawful assembly	5
8	752.797(1)(c)	Property	E	Computer fraud -- 2 prior	
9				convictions or value of	
10				\$1,000 to \$20,000	5
11	752.797(1)(d)	Property	D	Computer fraud -- 3 or	
12				more prior convictions	
13				or value of \$20,000 or	
14				more	10
15	752.797(2)(a)	Property	E	Unlawfully accessing com-	
16				puter, computer system,	
17				or computer program	5
18	752.797(2)(b)	Property	D	Unlawfully accessing com-	
19				puter, computer system,	
20				or computer program,	
21				with prior conviction	10
22	752.797(3)(b)	Variable	G	Using computer to commit	
23				crime punishable by a	
24				maximum term of impris-	
25				onment of more than	
26				1 year but less than	
27				2 years	2
28	752.797(3)(c)	Variable	F	Using computer to commit	
29				crime punishable by a	
30				maximum term of impris-	
31				onment of at least	
32				2 years but less than	
33				4 years	4
34	752.797(3)(d)	Variable	D	Using computer to commit	
35				crime punishable by a	
36				maximum term of impris-	
37				onment of at least	
38				4 years but less than	
39				10 years	7
40	752.797(3)(e)	Variable	D	Using computer to commit	
41				crime punishable by a	
42				maximum term of	

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

1	767a.9(b)	Pub trst	B	Perjury committed in	
2				prosecutor's investiga-	
3				tive hearing -- capital	
4				crime	Life
5	800.281(1)	Pub saf	H	Furnishing prisoner with	
6				contraband	5
7	800.281(2)	Pub saf	H	Furnishing prisoner with	
8				contraband outside	5
9	800.281(3)	Pub saf	H	Bringing contraband into	
10				prisons	5
11	800.281(4)	Pub saf	E	Prisoner possessing	
12				contraband	5
13	800.283(1)	Pub saf	E	Furnishing weapon to	
14				prisoner in prison	5
15	800.283(2)	Pub saf	E	Prisons -- knowledge of a	
16				weapon in a correc-	
17				tional facility	5
18	800.283(3)	Pub saf	E	Bringing weapon into	
19				prison	5
20	800.283(4)	Pub saf	E	Prisoner possessing	
21				weapon	5
22	801.262(1)(a)	Pub saf	E	Bringing weapon into jail	5
23	801.262(1)(b)	Pub saf	E	Furnishing weapon to	
24				prisoner in jail	5
25	801.262(2)	Pub saf	E	Prisoner in jail possess-	
26				ing weapon	5
27	801.263(1)	Pub saf	H	Furnishing contraband to	
28				prisoner in jail	5
29	801.263(2)	Pub saf	H	Prisoner in jail possess-	
30				ing contraband	5

31 ~~(2) For a violation of section 797(3) of 1979 PA 53,~~
32 ~~MCL 752.797, determine the offense category, offense variable~~
33 ~~level, and prior record variable level based on the underlying~~
34 ~~offense.~~

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

3	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
4	752.191	PUB SAF	G	FELONIOUS DRIVING	2
5	752.272(A)(2)(C)	PUB SAF	F	SALE OR DISTRIBUTION OF 6 NITROUS OXIDE DEVICE -- 7 2 OR MORE PRIOR 8 CONVICTIONS	4
9	752.365(3)	PUB ORD	G	OBSCENITY -- SUBSEQUENT 10 OFFENSE	2
11	752.541	PUB SAF	D	RIOT	10
12	752.542	PUB SAF	D	INCITEMENT TO RIOT	10
13	752.542A	PUB SAF	D	RIOT IN STATE CORREC- 14 TIONAL FACILITIES	10
15	752.543	PUB SAF	G	UNLAWFUL ASSEMBLY	5

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

18	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
19	752.797(1)(C)	PROPERTY	E	COMPUTER FRAUD -- 2 PRIOR 20 CONVICTIONS OR VALUE OF 21 \$1,000 TO \$20,000	5
22	752.797(1)(D)	PROPERTY	D	COMPUTER FRAUD -- 3 OR 23 MORE PRIOR CONVICTIONS 24 OR VALUE OF \$20,000 OR 25 MORE	10
26	752.797(2)(A)	PROPERTY	E	UNLAWFULLY ACCESSING COM- 27 PUTER, COMPUTER SYSTEM, 28 OR COMPUTER PROGRAM	5
29	752.797(2)(B)	PROPERTY	D	UNLAWFULLY ACCESSING COM- 30 PUTER, COMPUTER SYSTEM, 31 OR COMPUTER PROGRAM, 32 WITH PRIOR CONVICTION	10
33	752.797(3)(B)	VARIABLE	G	USING COMPUTER TO COMMIT 34 CRIME PUNISHABLE BY A 35 MAXIMUM TERM OF 36 IMPRISONMENT OF MORE	

1				THAN 1 YEAR BUT LESS	
2				THAN 2 YEARS	2
3	752.797(3)(C)	VARIABLE	F	USING COMPUTER TO COMMIT	
4				CRIME PUNISHABLE BY A	
5				MAXIMUM TERM OF IMPRIS-	
6				ONMENT OF AT LEAST	
7				2 YEARS BUT LESS THAN	
8				4 YEARS	4
9	752.797(3)(D)	VARIABLE	D	USING COMPUTER TO COMMIT	
10				CRIME PUNISHABLE BY A	
11				MAXIMUM TERM OF IMPRIS-	
12				ONMENT OF AT LEAST	
13				4 YEARS BUT LESS THAN	
14				10 YEARS	7
15	752.797(3)(E)	VARIABLE	D	USING COMPUTER TO COMMIT	
16				CRIME PUNISHABLE BY A	
17				MAXIMUM TERM OF IMPRIS-	
18				ONMENT OF AT LEAST	
19				10 YEARS BUT LESS THAN	
20				20 YEARS	10
21	752.797(3)(F)	VARIABLE	B	USING COMPUTER TO COMMIT	
22				CRIME PUNISHABLE BY A	
23				MAXIMUM TERM OF IMPRIS-	
24				ONMENT OF AT LEAST	
25				20 YEARS OR FOR LIFE	20

26 (2) FOR A VIOLATION OF SECTION 797(3) OF 1979 PA 53,
 27 MCL 752.797, DETERMINE THE OFFENSE CATEGORY, OFFENSE VARIABLE
 28 LEVEL, AND PRIOR RECORD VARIABLE LEVEL BASED ON THE UNDERLYING
 29 OFFENSE.

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

32	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
33	752.802	PROPERTY	H	VENDING MACHINES --	
34				MANUFACTURE/SALE OF	
35				SLUGS	5
36	752.811	PROPERTY	H	BREAKING AND ENTERING A	
37				COIN OPERATED DEVICE	3
38	752.861	PERSON	G	CARELESS DISCHARGE OF	
39				FIREARM CAUSING INJURY	
40				OR DEATH	2

1	752.881	PERSON	G	RECKLESS USE OF BOW AND	
2				ARROW RESULTING IN	
3				INJURY OR DEATH	2
4	752.1003	PROPERTY	F	HEALTH CARE FRAUD --	
5				FALSE CLAIM/STATE,	
6				UNNECESSARY, CONCEAL	
7				INFORMATION	4
8	752.1004	PROPERTY	F	HEALTH CARE FRAUD --	
9				KICKBACKS/REFERRAL FEES	4
10	752.1005	PROPERTY	H	HEALTH CARE FRAUD --	
11				CONSPIRACY	10
12	752.1006	PROPERTY	D	HEALTH CARE FRAUD -- SUB-	
13				SEQUENT OFFENSE	20
14	752.1054(2)	PROPERTY	G	COPYING AUDIO/VIDEO	
15				RECORDINGS FOR GAIN	5

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

18	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
19	764.1E	PUB TRST	C	PEACE OFFICER -- FALSE	
20				STATEMENT IN A	
21				COMPLAINT	15
22	767.4A	PUB TRST	F	DISCLOSING OR POSSESSING	
23				GRAND JURY INFORMATION	4
24	767A.9(1)(A)	PUB TRST	C	PERJURY COMMITTED IN	
25				PROSECUTOR'S INVESTIGA-	
26				TIVE HEARING -- NONCAP-	
27				ITAL CRIME	15
28	767A.9(1)(B)	PUB TRST	B	PERJURY COMMITTED IN	
29				PROSECUTOR'S INVESTIGA-	
30				TIVE HEARING -- CAPITAL	
31				CRIME	LIFE

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

34	M.C.L.	CATEGORY	CLASS	DESCRIPTION	STAT MAX
35	800.281(1)	PUB SAF	H	FURNISHING PRISONER WITH	
36				CONTRABAND	5

1 2	800.281(2)	PUB SAF	H	FURNISHING PRISONER WITH CONTRABAND OUTSIDE	5
3 4	800.281(3)	PUB SAF	H	BRINGING CONTRABAND INTO PRISONS	5
5 6	800.281(4)	PUB SAF	E	PRISONER POSSESSING CONTRABAND	5
7 8	800.283(1)	PUB SAF	E	FURNISHING WEAPON TO PRISONER IN PRISON	5
9 10 11	800.283(2)	PUB SAF	E	PRISONS -- KNOWLEDGE OF A WEAPON IN A CORREC- TIONAL FACILITY	5
12 13	800.283(3)	PUB SAF	E	BRINGING WEAPON INTO PRISON	5
14 15	800.283(4)	PUB SAF	E	PRISONER POSSESSING WEAPON	5
16	801.262(1)(A)	PUB SAF	E	BRINGING WEAPON INTO JAIL	5
17 18	801.262(1)(B)	PUB SAF	E	FURNISHING WEAPON TO PRISONER IN JAIL	5
19 20	801.262(2)	PUB SAF	E	PRISONER IN JAIL POSSESS- ING WEAPON	5
21 22	801.263(1)	PUB SAF	H	FURNISHING CONTRABAND TO PRISONER IN JAIL	5
23 24	801.263(2)	PUB SAF	H	PRISONER IN JAIL POSSESS- ING CONTRABAND	5