

# HOUSE BILL No. 4349

March 18, 2003, Introduced by Reps. Sak, Plakas, Anderson, Voorhees, Kooiman, Murphy, Vander Veen, Dennis, Bieda, Clack, O'Neil and Gleason and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
(MCL 760.1 to 777.69) by adding section 2b to chapter XI.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER XI

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2       Sec. 2b. (1) If the court places an individual convicted of  
3 a violation described in subsection (4) on probation, the  
4 probation period shall be not less than 5 years. A sentence of  
5 probation for an individual convicted of a violation described in  
6 subsection (4) may include a condition prohibiting the individual  
7 from doing either of the following:

8           (a) Residing in housing that is located within 1 mile of a  
9 school or a child care center.

10          (b) Entering upon school property or child care center  
11 property.

1 (3) An individual described in subsections (1) and (2) is  
2 also subject to the requirements of section 3 of this chapter.

3 (4) This section applies to a violation or attempted  
4 violation of any of the following:

5 (a) Section 158 of the Michigan penal code, 1931 PA 328,  
6 MCL 750.158 (sodomy), if the victim is less than 18 years of  
7 age.

8 (b) Section 335a of the Michigan penal code, 1931 PA 328, MCL  
9 750.335a (indecent exposure), if the victim is less than 18 years  
10 of age.

11 (c) Section 350 of the Michigan penal code, 1931 PA 328,  
12 MCL 750.350 (leading, taking, carrying away, decoying, or  
13 enticing away child under 14 years of age).

14 (d) Section 520b of the Michigan penal code, 1931 PA 328, MCL  
15 750.520b (first degree criminal sexual conduct), if the victim is  
16 less than 18 years of age.

17 (e) Section 520c of the Michigan penal code, 1931 PA 328, MCL  
18 750.520c (second degree criminal sexual conduct), if the victim  
19 is less than 18 years of age.

20 (f) Section 520d of the Michigan penal code, 1931 PA 328, MCL  
21 750.520d (third degree criminal sexual conduct), if the victim is  
22 less than 18 years of age.

23 (g) Section 520e of the Michigan penal code, 1931 PA 328, MCL  
24 750.520e (fourth degree criminal sexual conduct), if the victim  
25 is less than 18 years of age.

26 (h) Section 520g of the Michigan penal code, 1931 PA 328, MCL  
27 750.520g (assault with intent to commit criminal sexual conduct),

1 if the victim is less than 18 years of age.

2 (i) A law of the United States, another state, or a political  
3 subdivision of this state or another state substantially  
4 corresponding to a violation described in subdivisions (a) to  
5 (h).

6 (5) As used in this section:

7 (a) "Child care center" means that term as defined in section  
8 1 of 1973 PA 116, MCL 722.111.

9 (b) "School" means a public, private, denominational, or  
10 parochial school offering developmental kindergarten,  
11 kindergarten, or any grade from 1 through 12.

12 (c) "School property" means a building, playing field, or  
13 property used for school purposes to impart instruction to  
14 children or used for functions and events sponsored by a school,  
15 except a building used primarily for adult education or college  
16 extension courses.

17 Enacting section 1. This amendatory act does not take  
18 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
19 (request no. 00887'03 \*) of the 92nd Legislature is enacted into  
20 law.