

HOUSE BILL No. 5308

September 2, 2009, Introduced by Reps. Lori, Liss, Walsh, Proos, Schuitmaker, Rick Jones, Tyler, Genetski, Opsommer, Wayne Schmidt, Rocca and Kowall and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 39 of chapter XVII (MCL 777.39), as amended
by 2006 PA 548.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVII

Sec. 39. (1) Offense variable 9 is number of victims. Score
offense variable 9 by determining which of the following apply
and by assigning the number of points attributable to the one
that has the highest number of points:

- (a) Multiple deaths occurred..... 100 points
- (b) There were 10 or more victims who were
placed in danger of physical injury or death,
or 20 or more victims who were placed in danger

1 of property loss..... 25 points

2 (c) There were 2 to 9 victims who were
 3 placed in danger of physical injury or death, or
 4 4 to 19 victims who were placed in danger of
 5 property loss..... 10 points

6 (d) There were fewer than 2 victims who were
 7 placed in danger of physical injury or death,
 8 or fewer than 4 victims who were placed in danger
 9 of property loss..... 0 points

10 (2) All of the following apply to scoring offense variable
 11 9:

12 (a) Count each person who was placed in danger of physical
 13 injury or loss of life or property as a victim.

14 **(B) FOR VIOLATIONS OF SECTION 145C OF THE MICHIGAN PENAL**
 15 **CODE, 1931 PA 328, MCL 750.145C, COUNT EACH DEPICTION OF A CHILD**
 16 **SUBJECTED TO CHILD SEXUALLY ABUSIVE ACTIVITY AS A VICTIM WHO WAS**
 17 **PLACED IN DANGER OF PHYSICAL INJURY OR DEATH.**

18 **(C) ~~(b)~~—Score 100 points only in homicide cases.**