

HOUSE BILL No. 5807

August 15, 2012, Introduced by Reps. Shaughnessy, Somerville and Glardon and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 40 of chapter XVII (MCL 777.40), as added by
1998 PA 317.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XVII

2 Sec. 40. (1) Offense variable 10 is exploitation of a
3 vulnerable victim. Score offense variable 10 by determining which
4 of the following apply and by assigning the number of points
5 attributable to the one that has the highest number of points:

6 (a) Predatory conduct was involved..... 15 points

7 (b) The offender exploited a victim's physical
8 disability, mental disability, youth or agedness,
9 or a domestic relationship, or the offender abused

1 his or her authority status..... 10 points

2 (c) The offender exploited a victim by his or
 3 her difference in size or strength, or both, or
 4 exploited a victim who was intoxicated, under the
 5 influence of drugs, asleep, or unconscious..... 5 points

6 (d) The offender did not exploit a victim's
 7 vulnerability..... 0 points

8 (2) The mere existence of 1 or more factors described in
 9 subsection (1) does not automatically equate with victim
 10 vulnerability.

11 (3) As used in this section:

12 (a) "Predatory conduct" means preoffense conduct directed at
 13 a victim, **OR A LAW ENFORCEMENT OFFICER POSING AS A POTENTIAL**
 14 **VICTIM**, for the primary purpose of victimization.

15 (b) "Exploit" means to manipulate a victim for selfish or
 16 unethical purposes.

17 (c) "Vulnerability" means the readily apparent
 18 susceptibility of a victim to injury, physical restraint,
 19 persuasion, or temptation.

20 (d) "Abuse of authority status" means a victim was exploited
 21 out of fear or deference to an authority figure, including, but
 22 not limited to, a parent, physician, or teacher.