

HOUSE BILL NO. 6213

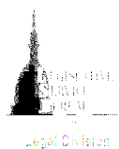
September 15, 2020, Introduced by Reps. Kuppa, LaGrand, Stone and Peterson and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 22 of chapter XVII (MCL 777.22), as amended by
2003 PA 134, and by adding section 49o to chapter XVII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XVII

2 Sec. 22. (1) For all crimes against a person, score offense
3 variables 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 19, and 20.
4 Score offense variables 5 and 6 for homicide, attempted homicide,
5 conspiracy or solicitation to commit a homicide, or assault with



1 intent to commit murder. Score offense variable 16 under this
2 subsection for a violation or attempted violation of section 110a
3 of the Michigan penal code, 1931 PA 328, MCL 750.110a. Score
4 offense variables 17 and 18 if the offense or attempted offense
5 involves the operation of a vehicle, vessel, ORV, snowmobile,
6 aircraft, or locomotive.

7 (2) For all crimes against property, score offense variables
8 1, 2, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20.

9 (3) For all crimes involving a controlled substance, score
10 offense variables 1, 2, 3, 12, 13, 14, 15, 19, and 20.

11 (4) For all crimes against public order and all crimes against
12 public trust, score offense variables 1, 3, 4, 9, 10, 12, 13, 14,
13 16, 19, and 20.

14 (5) For all crimes against public safety, score offense
15 variables 1, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20. Score offense
16 variable 18 if the offense or attempted offense involves the
17 operation of a vehicle, vessel, ORV, snowmobile, aircraft, or
18 locomotive.

19 (6) For all crimes to which it is applicable to the facts of
20 the case, the court shall score offense variable 34. Offense
21 variable 34 must be scored after the scoring of offense variables
22 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,
23 and 20.

24 Sec. 490. Offense variable 34 is disengagement from crime. The
25 court shall score offense variable 34 if either of the following
26 applies by reducing the defendant's offense variable score by the
27 highest number of points that the court determines appropriate
28 under offense variable 34:

29 (a) If there is evidence that after a crime has been planned

1 or begun, but before the criminal act has been completed, the
2 defendant attempted to disengage from the crime...subtract 5 points

3 (b) If the defendant succeeds in warning the victim of the
4 crime and harm to the victim is reduced, if the defendant shields a
5 potential victim from harm, or if the defendant raises an alarm
6 that causes the defendant's codefendants to desist from criminal
7 actions.....subtract 10 points

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

