

SENATE BILL NO. 489

May 27, 2021, Introduced by Senators BARRETT, BUMSTEAD, NESBITT, THEIS, VICTORY, ZORN and DALEY and referred to the Committee on Government Operations.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 12 of chapter II and section 16m of chapter XVII (MCL 762.12 and 777.16m), section 12 of chapter II as amended by 2015 PA 32 and section 16m of chapter XVII as amended by 2018 PA 637.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER II

Sec. 12. (1) Subject to subsection (2), the court of record having jurisdiction over the criminal offense referred to in section 11 of this chapter may, at any time, terminate its

1 consideration of the individual as a youthful trainee or, once
2 having assigned the individual to the status of a youthful trainee,
3 may at its discretion revoke that status any time before the
4 individual's final release.

5 (2) If the court assigns an individual to youthful trainee
6 status, the court shall revoke that status if the individual pleads
7 guilty to or is convicted of any of the following during the period
8 of assignment:

9 (a) A felony for which the maximum penalty is imprisonment for
10 life.

11 (b) A major controlled substance offense.

12 (c) A violation, attempted violation, or conspiracy to violate
13 section 82, 84, 88, 110a, 224f, 226, 227, ~~227a~~, 227b, 520b, 520c,
14 520d, 520e, 529a, or 530 of the Michigan penal code, 1931 PA 328,
15 MCL 750.82, 750.84, 750.88, 750.110a, 750.224f, 750.226, 750.227,
16 ~~750.227a~~, 750.227b, 750.520b, 750.520c, 750.520d, 750.520e,
17 750.529a, and 750.530, other than section 520d(1)(a) or 520e(1)(a)
18 of the Michigan penal code, 1931 PA 328, MCL 750.520d and 750.520e.

19 (d) A violation, attempted violation, or conspiracy to violate
20 section 520g of the Michigan penal code, 1931 PA 328, MCL 750.520g,
21 with the intent to commit a violation of section 520b, 520c, 520d,
22 or 520e of the Michigan penal code, 1931 PA 328, MCL 750.520b,
23 750.520c, 750.520d, and 750.520e, other than section 520d(1)(a) or
24 520e(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520d
25 and 750.520e.

26 (e) A firearm offense. As used in this subdivision, "firearm
27 offense" means a crime involving a firearm as that term is defined
28 in section 1 of 1927 PA 372, MCL 28.421, whether or not the
29 possession, use, transportation, or concealment of a firearm is an

1 element of the crime.

2 (3) If an individual who is required to be registered under
 3 the sex offenders registration act, 1994 PA 295, MCL 28.721 to
 4 ~~28.736~~, **28.730**, willfully violates that act, the court shall revoke
 5 the individual's status as a youthful trainee. Upon termination of
 6 consideration or revocation of status as a youthful trainee, the
 7 court may enter an adjudication of guilt and proceed as provided by
 8 law. If the status of youthful trainee is revoked, an adjudication
 9 of guilt is entered, and a sentence is imposed, the court in
 10 imposing sentence shall specifically grant credit against the
 11 sentence for time served as a youthful trainee in an institutional
 12 facility of the department of corrections or in a county jail.

13 CHAPTER XVII

14 Sec. 16m. This chapter applies to the following felonies
 15 enumerated in chapter 750 of the Michigan Compiled Laws:

16	M.C.L.	Category	Class	Description	Stat Max
17	750.223(2)	Pub saf	F	Sale of firearm to 18 minor – subsequent 19 offense	4
20	750.223(3)	Pub ord	D	Sale of firearm to 21 person prohibited from 22 possessing	10
23	750.224	Pub saf	E	Manufacture or sale of 24 silencer, bomb, 25 blackjack, automatic 26 weapon, gas spray, 27 etc.	5

1	750.224a(4)	Pub saf	F	Possession or sale of	4
2				electrical current	
3				weapons	
4	750.224a(6)	Pub saf	G	Improper use of	2
5				electro-muscular	
6				disruption device	
7	750.224b	Pub saf	E	Possession of short	5
8				barreled shotgun or	
9				rifle	
10	750.224c	Pub saf	F	Armor piercing	4
11				ammunition	
12	750.224d(2)	Person	G	Using self-defense	2
13				spray device	
14	750.224e	Pub saf	F	Manufacture/sale/posse	4
15				ssion of devices to	
16				convert semiautomatic	
17				weapons	
18	750.224f(5)	Pub saf	E	Possession or sale of	5
19				firearm by felon	
20	750.224f(6)	Pub saf	E	Possession or sale of	5
21				ammunition by felon	
22	750.226	Pub saf	E	Carrying firearm or	5
23				dangerous weapon with	
24				unlawful intent	
25	750.227	Pub saf	E	Carrying a concealed	5
26				weapon	
27	750.227a	Pub saf	F	Unlawful possession of	4
28				pistol	

1	750.227c	Pub saf	G	Possessing a loaded	2
2				firearm in or upon a	
3				vehicle	
4	750.227f	Pub saf	F	Wearing body armor	4
5				during commission of	
6				certain crimes	
7	750.227g(1)	Pub saf	F	Felon purchasing,	4
8				owning, possessing, or	
9				using body armor	
10	750.230	Pub saf	G	Altering ID mark on	2
11				firearm	
12	750.232a(3)	Pub saf	G	False statement in a	4
13				pistol application	
14	750.234a(1)(a)	Pub saf	D	Discharging firearm	10
15				from vehicle	
16	750.234a(1)(b)	Person	C	Discharging firearm	15
17				from vehicle causing	
18				physical injury	
19	750.234a(1)(c)	Person	B	Discharging firearm	20
20				from vehicle causing	
21				serious impairment	
22	750.234a(1)(d)	Person	A	Discharging firearm	Life
23				from vehicle causing	
24				death	
25	750.234b(1)	Pub saf	D	Discharging firearm at	10
26				a dwelling or	
27				potentially occupied	
28				structure	

1	750.234b(2)	Pub saf	D	Discharging firearm in	10
2				a dwelling or	
3				potentially occupied	
4				structure	
5	750.234b(3)	Pub saf	C	Discharging firearm in	15
6				or at a dwelling or	
7				potentially occupied	
8				structure causing	
9				physical injury	
10	750.234b(4)	Person	B	Discharging firearm in	20
11				or at a dwelling or	
12				potentially occupied	
13				structure causing	
14				serious impairment	
15	750.234b(5)	Person	A	Discharging firearm in	Life
16				or at a dwelling or	
17				potentially occupied	
18				structure causing	
19				death	
20	750.234c	Pub saf	F	Discharging firearm at	4
21				emergency/police	
22				vehicle	

1	750.235b(2)	Pub saf	D	Threatening to commit	10
2				violent act against	
3				school students or	
4				employees on school	
5				property with an overt	
6				act toward completion	
7				or with specific	
8				intent	
9	750.236	Person	C	Setting spring gun –	15
10				death resulting	
11	750.237(3)	Person	E	Using firearm while	5
12				under the influence or	
13				impaired causing	
14				serious impairment	
15	750.237(4)	Person	C	Using firearm while	15
16				under the influence or	
17				impaired causing death	

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No. 492 of the 101st Legislature is enacted into
20 law.