

**SUBSTITUTE FOR
HOUSE BILL NO. 5401**

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 16g of chapter XVII (MCL 777.16g), as amended
by 2023 PA 278.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1
2
3
4
5
6
7

CHAPTER XVII

Sec. 16g. (1) This chapter applies to the following felonies
enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
750.135	Person	D	Exposing children with intent to injure or abandon	10

1	750.135a (2) (c)	Person	D	Leaving child	10
2				unattended in vehicle	
3				resulting in serious	
4				physical harm	
5	750.135a (2) (d)	Person	B	Leaving child	15
6				unattended in vehicle	
7				resulting in death	
8	750.136	Person	B	Female genital	15
9				mutilation violation	
10	750.136a	Person	B	Transporting person	15
11				for purpose of female	
12				genital mutilation	
13	750.136b (2)	Person	A	First degree child	Life
14				abuse	
15	750.136b (4) (a)	Person	C	Second degree child	10
16				abuse - first offense	
17	750.136b (4) (b)	Person	B	Second degree child	20
18				abuse - with prior	
19				conviction	
20	750.136b (6) (a)	Person	G	Third degree child	2
21				abuse - first offense	
22	750.136b (6) (b)	Person	E	Third degree child	5
23				abuse - with prior	
24				conviction	
25	750.136b (8) (b)	Person	G	Fourth degree child	2
26				abuse - with prior	
27				conviction	
28	750.136c	Person	B	Buying or selling an	20
29				individual	

1	750.136d(1) (a)	Person	A	First degree child	Life
2				abuse in presence of	
3				another child	
4	750.136d(1) (b)	Person	D	Second degree child	10
5				abuse in presence of	
6				another child - first	
7				offense	
8	750.136d(1) (c)	Person	B	Second degree child	20
9				abuse in presence of	
10				another child - second	
11				or subsequent offense	
12	750.136d(1) (d)	Person	G	Third degree child	2
13				abuse in presence of	
14				another child	
15	750.145a	Person	F	Soliciting child to	4
16				commit an immoral act	
17	750.145b	Person	D	Accosting children for	10
18				immoral purposes with	
19				prior conviction	
20	750.145c(2) (a)	Person	B	Producing child	20
21				sexually abusive	
22				activity or material	
23	750.145c(2) (b)	Person	B	Aggravated producing	25
24				of child sexually	
25				abusive activity or	
26				material	

1	750.145c(3)(a)	Person	D	Distributing,	7
2				promoting, or	
3				financing the	
4				distribution of child	
5				sexually abusive	
6				activity or material	
7	750.145c(3)(b)	Person	C	Aggravated	15
8				distributing,	
9				promoting, or	
10				financing the	
11				distribution of child	
12				sexually abusive	
13				activity or material	
14	750.145c(4)(a)	Person	F	Possessing child	4
15				sexually abusive	
16				material	
17	750.145c(4)(b)	Person	B	Aggravated possession	10
18				of child sexually	
19				abusive material	
20	750.145d(2)(b)	Variable	G	Using internet or	2
21				computer to commit	
22				crime punishable by a	
23				maximum term of	
24				imprisonment of at	
25				least 1 year but less	
26				than 2 years	

1	750.145d(2) (c)	Variable	F	Using internet or	4
2				computer to commit	
3				crime punishable by a	
4				maximum term of	
5				imprisonment of at	
6				least 2 years but less	
7				than 4 years	
8	750.145d(2) (d)	Variable	D	Using internet or	10
9				computer to commit	
10				crime punishable by a	
11				maximum term of	
12				imprisonment of at	
13				least 4 years but less	
14				than 10 years	
15	750.145d(2) (e)	Variable	C	Using internet or	15
16				computer to commit	
17				crime punishable by a	
18				maximum term of	
19				imprisonment of at	
20				least 10 years but	
21				less than 15 years	
22	750.145d(2) (f)	Variable	B	Using internet or	20
23				computer to commit	
24				crime punishable by a	
25				maximum term of	
26				imprisonment of at	
27				least 15 years or for	
28				life	

1	750.145h(3)	Person	G	Causing vulnerable	2
2				adult to provide	
3				sexually explicit	
4				visual material -	
5				second or subsequent	
6				offense	
7	750.145n(1)	Person	C	First degree	15
8				vulnerable adult abuse	
9	750.145n(2)	Person	F	Second degree	4
10				vulnerable adult abuse	
11	750.145n(3)	Person	G	Third degree	2
12				vulnerable adult abuse	
13	750.145o	Person	E	Death of vulnerable	5
14				adult caused by	
15				unlicensed caretaker	
16	750.145p(1)	Person	G	Commingling funds of,	2
17				obstructing	
18				investigation	
19				regarding, or filing	
20				false information	
21				regarding, vulnerable	
22				adult	
23	750.145p(2)	Person	G	Retaliation or	2
24				discrimination by	
25				caregiver against	
26				vulnerable adult	

1	750.145p(5)	Person	E	Caregiver or licensee	5
2				violation against	
3				vulnerable adult –	
4				second or subsequent	
5				offense	
6	750.147b	Person	G	Ethnic intimidation	2
7	750.147b(3)(a)			Certain hate-crime-	
8				related violations	
9	750.147b(3)(b)	Person	E	Certain hate-crime-	5
10				related violations –	
11				second or subsequent	
12				offense or aggravating	
13				factors	
14	750.147b(3)(c)	Person	D	Certain hate-crime-	10
15				related violations –	
16				second or subsequent	
17				offense or aggravating	
18				factors	
19	750.147c(2)	Property	D	Institutional	10
20				desecration involving	
21				\$20,000 or more or	
22				with prior convictions	
23	750.147c(3)	Property	E	Institutional	5
24				desecration involving	
25				\$1,000 to \$20,000 or	
26				with prior convictions	

27 (2) For a violation of section 145d of the Michigan penal
 28 code, 1931 PA 328, MCL 750.145d, determine the offense category,
 29 offense variable level, and prior record variable level based on

1 the underlying offense.

2 Enacting section 1. This amendatory act does not take effect
3 unless House Bill No. 5400 of the 102nd Legislature is enacted into
4 law.