

HOUSE BILL NO. 5111

October 10, 2023, Introduced by Reps. O'Neal, Miller, Rheingans, Edwards, Bezotte, Hood, Alexander, Brenda Carter, Morgan and Zorn and referred to the Committee on Criminal Justice.

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 2020 PA 50.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER XVII

2

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

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M.C.L.	Category	Class Description	Stat Max
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1	750.135	Person	D	Exposing children with	10
2				intent to injure or	
3				abandon	
4	750.135a (2) (c)	Person	D	Leaving child	10
5				unattended in vehicle	
6				resulting in serious	
7				physical harm	
8	750.135a (2) (d)	Person	B	Leaving child	15
9				unattended in vehicle	
10				resulting in death	
11	750.136	Person	B	Female genital	15
12				mutilation violation	
13	750.136a	Person	B	Transporting person	15
14				for purpose of female	
15				genital mutilation	
16	750.136b (2)	Person	A	First degree child	Life
17				abuse	
18	750.136b (4) (a)	Person	C	Second degree child	10
19				abuse – first offense	
20	750.136b (4) (b)	Person	B	Second degree child	20
21				abuse – with prior	
22				conviction	
23	750.136b (4) (c)	Person	C	Second degree child	15
24				abuse – vulnerable	
25				child	
26	750.136b (6) (a)	Person	G	Third degree child	2
27				abuse – first offense	

1	750.136b(6)(b)	Person	E	Third degree child	5
2				abuse - with prior	
3				conviction	
4	750.136b(6)(c)	Person	G	Third degree child	3
5				abuse - vulnerable	
6				child	
7	750.136b(8)(b)	Person	G	Fourth degree child	2
8				abuse - with prior	
9				conviction	
10	750.136b(8)(c)	Person	H	Fourth degree child	2
11				abuse - vulnerable	
12				child	
13	750.136c	Person	B	Buying or selling an	20
14				individual	
15	750.136d(1)(a)	Person	A	First degree child	Life
16				abuse in presence of	
17				another child	
18	750.136d(1)(b)	Person	D	Second degree child	10
19				abuse in presence of	
20				another child - first	
21				offense	
22	750.136d(1)(c)	Person	B	Second degree child	20
23				abuse in presence of	
24				another child - second	
25				or subsequent offense	
26	750.136d(1)(d)	Person	G	Third degree child	2
27				abuse in presence of	
28				another child	

1	750.145a	Person	F	Soliciting child to	4
2				commit an immoral act	
3	750.145b	Person	D	Accosting children for	10
4				immoral purposes with	
5				prior conviction	
6	750.145c (2) (a)	Person	B	Producing child	20
7				sexually abusive	
8				activity or material	
9	750.145c (2) (b)	Person	B	Aggravated producing	25
10				of child sexually	
11				abusive activity or	
12				material	
13	750.145c (3) (a)	Person	D	Distributing,	7
14				promoting, or	
15				financing the	
16				distribution of child	
17				sexually abusive	
18				activity or material	
19	750.145c (3) (b)	Person	C	Aggravated	15
20				distributing,	
21				promoting, or	
22				financing the	
23				distribution of child	
24				sexually abusive	
25				activity or material	
26	750.145c (4) (a)	Person	F	Possessing child	4
27				sexually abusive	
28				material	

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

1	750.145d(2) (e)	Variable	C	Using internet or	15
2				computer to commit	
3				crime punishable by a	
4				maximum term of	
5				imprisonment of at	
6				least 10 years but	
7				less than 15 years	
8	750.145d(2) (f)	Variable	B	Using internet or	20
9				computer to commit	
10				crime punishable by a	
11				maximum term of	
12				imprisonment of at	
13				least 15 years or for	
14				life	
15	750.145n(1)	Person	C	First degree	15
16				vulnerable adult abuse	
17	750.145n(2)	Person	F	Second degree	4
18				vulnerable adult abuse	
19	750.145n(3)	Person	G	Third degree	2
20				vulnerable adult abuse	
21	750.145o	Person	E	Death of vulnerable	5
22				adult caused by	
23				unlicensed caretaker	

1 750.145p(1) Person G Commingling funds of, 2
 2 obstructing
 3 investigation
 4 regarding, or filing
 5 false information
 6 regarding, vulnerable
 7 adult

8 750.145p(2) Person G Retaliation or 2
 9 discrimination by
 10 caregiver against
 11 vulnerable adult

12 750.145p(5) Person E Caregiver or licensee 5
 13 violation against
 14 vulnerable adult –
 15 second or subsequent
 16 offense

17 750.147b Person G Ethnic intimidation 2

18 (2) For a violation of section 145d of the Michigan penal
 19 code, 1931 PA 328, MCL 750.145d, determine the offense category,
 20 offense variable level, and prior record variable level based on
 21 the underlying offense.

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

24 Enacting section 2. This amendatory act does not take effect
 25 unless Senate Bill No. ____ or House Bill No. 5112 (request no.
 26 02661'23) of the 102nd Legislature is enacted into law.