

HOUSE BILL NO. 5401

January 18, 2024, Introduced by Reps. Grant and Arbit and referred to the Committee on Judiciary.

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

CHAPTER XVII

2

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

3

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

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

1	750.145c (2) (b)	Person	B	Aggravated producing	25
2				of child sexually	
3				abusive activity or	
4				material	
5	750.145c (3) (a)	Person	D	Distributing,	7
6				promoting, or	
7				financing the	
8				distribution of child	
9				sexually abusive	
10				activity or material	
11	750.145c (3) (b)	Person	C	Aggravated	15
12				distributing,	
13				promoting, or	
14				financing the	
15				distribution of child	
16				sexually abusive	
17				activity or material	
18	750.145c (4) (a)	Person	F	Possessing child	4
19				sexually abusive	
20				material	
21	750.145c (4) (b)	Person	B	Aggravated possession	10
22				of child sexually	
23				abusive material	

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

1	750.145d(2) (f)	Variable	B	Using internet or	20
2				computer to commit	
3				crime punishable by a	
4				maximum term of	
5				imprisonment of at	
6				least 15 years or for	
7				life	
8	750.145h(3)	Person	G	Causing vulnerable	2
9				adult to provide	
10				sexually explicit	
11				visual material -	
12				second or subsequent	
13				offense	
14	750.145n(1)	Person	C	First degree	15
15				vulnerable adult abuse	
16	750.145n(2)	Person	F	Second degree	4
17				vulnerable adult abuse	
18	750.145n(3)	Person	G	Third degree	2
19				vulnerable adult abuse	
20	750.145o	Person	E	Death of vulnerable	5
21				adult caused by	
22				unlicensed caretaker	
23	750.145p(1)	Person	G	Commingling funds of,	2
24				obstructing	
25				investigation	
26				regarding, or filing	
27				false information	
28				regarding, vulnerable	
29				adult	

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

1 750.147c(3) Property E Institutional 5
2 desecration involving
3 \$1,000 to \$20,000 or
4 with prior convictions

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

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Bill No. ____ or House Bill No. 5400 (request no.
11 05146'23) of the 102nd Legislature is enacted into law.