

**THE CODE OF CRIMINAL PROCEDURE (EXCERPT)**  
**Act 175 of 1927**

**777.42 Contemporaneous felonious criminal acts.**

Sec. 42.

(1) Offense variable 12 is contemporaneous felonious criminal acts. Score offense variable 12 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:

- |                                                                                                            |           |
|------------------------------------------------------------------------------------------------------------|-----------|
| (a) Three or more contemporaneous felonious criminal acts involving crimes against a person were committed | 25 points |
| (b) Two contemporaneous felonious criminal acts involving crimes against a person were committed           | 10 points |
| (c) Three or more contemporaneous felonious criminal acts involving other crimes were committed            | 10 points |
| (d) One contemporaneous felonious criminal act involving a crime against a person was committed            | 5 points  |
| (e) Two contemporaneous felonious criminal acts involving other crimes were committed                      | 5 points  |
| (f) One contemporaneous felonious criminal act involving any other crime was committed                     | 1 point   |
| (g) No contemporaneous felonious criminal acts were committed                                              | 0 points  |

(2) All of the following apply to scoring offense variable 12:

- (a) A felonious criminal act is contemporaneous if both of the following circumstances exist:
  - (i) The act occurred within 24 hours of the sentencing offense.
  - (ii) The act has not and will not result in a separate conviction.
- (b) A violation of section 227b of the Michigan penal code, 1931 PA 328, MCL 750.227b, should not be considered for scoring this variable.
- (c) Do not score conduct scored in offense variable 11.

**History:** Add. 1998, Act 317, Eff. Dec. 15, 1998