

**SUBSTITUTE FOR  
HOUSE BILL NO. 5291**

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending sections 1, 22, and 35 of chapter XVII (MCL 777.1,  
777.22, and 777.35), section 1 as amended by 2002 PA 34, section  
22 as amended by 2002 PA 143, and section 35 as amended by 2000  
PA 279.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1                                   CHAPTER XVII

2           Sec. 1. As used in this chapter:

3           (a) "Aircraft" means that term as defined in section 2 of  
4 the aeronautics code of the state of Michigan, 1945 PA 327,  
5 MCL 259.2.

6           (b) "Departure" means that term as defined in section 31 of  
7 chapter IX.

**HB5291, As Passed House, May 28, 2002**

House Bill No. 5291

2

1 (c) "Homicide" means any crime in which the death of a human  
2 being is an element. ~~of that crime.~~

3 (d) "Intermediate sanction" means that term as defined in  
4 section 31 of chapter IX.

5 (e) "ORV" means that term as defined in section 81101 of the  
6 natural resources and environmental protection act, 1994 PA 451,  
7 MCL 324.81101.

8 (f) "Snowmobile" means that term as defined in section 82101  
9 of the natural resources and environmental protection act, 1994  
10 PA 451, MCL 324.82101.

11 (g) "Vehicle" means that term as defined in section 79 of  
12 the Michigan vehicle code, 1949 PA 300, MCL 257.79.

13 (h) "Vessel" means that term as defined in section 80104 of  
14 the natural resources and environmental protection act, 1994  
15 PA 451, MCL 324.80104.

16 (I) "VIOLENT CRIME", EXCEPT AS USED IN SECTION 16M OF THIS  
17 CHAPTER, MEANS THE COMMISSION OF A CRIME AGAINST A PERSON IN  
18 WHICH PHYSICAL FORCE OR VIOLENCE WAS USED OR THREATENED.

19 Sec. 22. (1) For all crimes against a person, score offense  
20 variables 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 19, and 20.  
21 SCORE OFFENSE VARIABLE 5 FOR VIOLENT CRIMES. Score offense  
22 ~~variables 5 and~~ VARIABLE 6 for homicide, attempted homicide,  
23 conspiracy or solicitation to commit a homicide, or assault with  
24 intent to commit murder. Score offense variable 16 under this  
25 subsection for a violation or attempted violation of section 110a  
26 of the Michigan penal code, 1931 PA 328, MCL 750.110a. Score  
27 offense variables 17 and 18 if an element of the offense or

**HB5291, As Passed House, May 28, 2002**

House Bill No. 5291

3

1 attempted offense involves the operation of a vehicle, vessel,  
2 ORV, snowmobile, aircraft, or locomotive.

3 (2) For all crimes against property, score offense variables  
4 1, 2, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20.

5 (3) For all crimes involving a controlled substance, score  
6 offense variables 1, 2, 3, 12, 13, 14, 15, 19, and 20.

7 (4) For all crimes against public order and all crimes  
8 against public trust, score offense variables 1, 3, 4, 9, 10, 12,  
9 13, 14, 16, 19, and 20.

10 (5) For all crimes against public safety, score offense  
11 variables 1, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20. Score  
12 offense variable 18 if an element of the offense or attempted  
13 offense involves the operation of a vehicle, vessel, ORV, snowmo-  
14 bile, aircraft, or locomotive.

15 Sec. 35. (1) Offense variable 5 is psychological injury to  
16 a member of a VIOLENT CRIME victim's family OR A CHILD. Score  
17 offense variable 5 by determining which of the following apply  
18 and by assigning the number of points attributable to the one  
19 that has the highest number of points:

20 (a) Serious psychological injury ~~requiring~~ THAT  
21 REQUIRES OR THAT MAY REQUIRE professional treatment  
22 occurred to a VIOLENT CRIME victim's family OR TO A  
23 CHILD IF THE INJURY TO THE CHILD RESULTED FROM THE  
24 CHILD WITNESSING A VIOLENT CRIME..... 15 points

25 ~~-(b) No serious psychological injury requiring pro-~~  
26 ~~fessional treatment occurred to a victim's family..... 0 points~~

**HB5291, As Passed House, May 28, 2002**

Sub. HB 5291 (H-2) as amended May 23, 2002 4

1 (B) A CHILD WITNESSES A VIOLENT CRIME..... 10 POINTS

2 (C) A CHILD OBSERVES THE PHYSICAL RESULTS OF A

3 VIOLENT CRIME AGAINST A FAMILY MEMBER..... 5 POINTS

4 (D) SUBDIVISIONS (A), (B), AND (C) DO NOT APPLY..... 0 POINTS

5 (2) ~~Score 15 points if the serious psychological injury to~~

6 ~~the victim's family may require professional treatment.~~ In

7 making ~~this~~ A determination OF WHETHER PROFESSIONAL TREATMENT

8 MAY BE REQUIRED UNDER SUBSECTION (1)(A), the fact that treatment

9 has not been sought is not conclusive.

[Enacting section 1. This amendatory act takes effect October 1,  
2002.]