

HOUSE BILL No. 5291

October 18, 2001, Introduced by Reps. Vander Veen, Voorhees, Hager, Van Woerkom, Bernero, Pestka and Newell and referred to the Committee on Criminal Justice.

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), as amended by 2000 PA 279.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVII

Sec. 1. As used in this chapter:

(a) "Aircraft" means that term as defined in section 4 of
the aeronautics code of the state of Michigan, 1945 PA 327,
MCL 259.4.

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

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

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

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

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

9 (g) "Vehicle" means that term as defined in section 79 of
10 the Michigan vehicle code, 1949 PA 300, MCL ~~257.49~~ 257.79.

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

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

17 Sec. 22. (1) For all crimes against a person, score offense
18 variables 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, and 19.
19 Score offense variables 5 and 6 for homicide, attempted homicide,
20 or assault with intent to commit murder. Score offense variable
21 16 under this subsection for a violation or attempted violation
22 of section 110a of the Michigan penal code, 1931 PA 328,
23 MCL 750.110a. Score offense variables 17 and 18 if an element of
24 the offense or attempted offense involves the operation of a
25 vehicle, vessel, ORV, snowmobile, aircraft, or locomotive.

26 (2) For all crimes against property, score offense variables
27 1, 2, 3, 4, 9, 10, 12, 13, 14, 16, and 19.

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

3 (4) For all crimes against public order and all crimes
4 against public trust, score offense variables 1, 3, 4, 9, 10, 12,
5 13, 14, 16, and 19.

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

11 Sec. 35. (1) Offense variable 5 is psychological injury to
12 a member of a victim's family. Score offense variable 5 by
13 determining which of the following apply and by assigning the
14 number of points attributable to the one that has the highest
15 number of points:

16 (a) Serious psychological injury requiring profes-
17 sional treatment occurred to a victim's family OR
18 CHILD..... 15 points

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

21 (C) A CHILD SEES OR HEARS OR PERSONALLY AND DIRECTLY
22 WITNESSES A VIOLENT CRIME..... 10 POINTS

23 (D) A CHILD OBSERVES THE PHYSIOLOGICAL OR PHYSICAL
24 RESULTS OR IS MERELY PRESENT DURING THE COMMISSION OF
25 A VIOLENT CRIME..... 5 POINTS

26 (2) Score 15 points if the serious psychological injury to
27 the victim's family may require professional treatment. In

1 making this determination, the fact that treatment has not been
2 sought is not conclusive.