

# SENATE BILL No. 1454

September 9, 2008, Introduced by Senators WHITMER, CLARKE, SCOTT, CLARK-COLEMAN, GLEASON, SCHAUER, SWITALSKI, OLSHOVE, CHERRY and BARCIA 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 2002 PA 630.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER XVII

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

| M.C.L.  | Category | Class | Description  | Stat Max |
|---------|----------|-------|--|----------|
| 750.135 | Person   | D     | Exposing children<br>with intent to injure<br>or abandon | 10       |

|    |                |          |   |   |    |
|----|----------------|----------|---|---|----|
| 1  | 750.136b(2)    | Person   | B | Child abuse – first degree  | 15 |
| 2  | 750.136b(4)    | Person   | F | Child abuse – second degree   | 4  |
| 3  | 750.136b(5)    | Person   | G | Child abuse – third degree  | 2  |
| 4  | 750.136c       | Person   | B | Buying or selling an individual   | 20 |
| 5  | 750.145a       | Person   | F | Soliciting child to commit an immoral act   | 4  |
| 6  | 750.145b       | Person   | D | Accosting children for immoral purposes with prior conviction   | 10 |
| 7  | 750.145c(2)    | Person   | B | Child sexually abusive activity or materials – active involvement   | 20 |
| 8  | 750.145c(3)    | Person   | D | Child sexually abusive activity or materials – distributing, promoting, or financing  | 7  |
| 9  | 750.145c(4)    | Person   | F | Child sexually abusive <del>activities or</del> materials – possession  | 4  |
| 10 | 750.145d(2)(b) | Variable | G | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 1 year but less than 2 years  | 2  |
| 11 | 750.145d(2)(c) | Variable | F | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 2 years but less than 4 years | 4  |

|   |                 |          |   |   |    |
|---|-----------------|----------|---|---|----|
| 1 | 750.145d(2) (d) | Variable | D | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 4 years but less than 10 years  | 10 |
| 2 | 750.145d(2) (e) | Variable | C | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 10 years but less than 15 years | 15 |
| 3 | 750.145d(2) (f) | Variable | B | Using internet or computer to commit crime punishable by a maximum term of imprisonment of at least 15 years or for life            | 20 |
| 4 | 750.145n(1)     | Person   | C | Vulnerable adult abuse – first degree   | 15 |
| 5 | 750.145n(2)     | Person   | F | Vulnerable adult abuse – second degree  | 4  |
| 6 | 750.145n(3)     | Person   | G | Vulnerable adult abuse – third degree   | 2  |
| 7 | 750.145o        | Person   | E | Death of vulnerable adult caused by unlicensed caretaker  | 5  |
| 8 | 750.145p(1)     | Person   | G | Vulnerable adult – commingling funds, obstructing investigation, or filing false information  | 2  |
| 9 | 750.145p(2)     | Person   | G | Retaliation or discrimination by caregiver against vulnerable adult   | 2  |

|   |             |        |                                    |  |                       |
|---|-------------|--------|------------------------------------|--|-----------------------|
| 1 | 750.145p(5) | Person | E                                  | Vulnerable adult –<br>caregiver violations<br>– subsequent offense                             | 5                     |
| 2 | 750.147b    | Person | <del>VARIA</del><br><del>BLE</del> | <del>Ethnic</del><br><del>intimidation</del><br><del>BIAS-</del><br><del>MOTIVATED CRIME</del> | <del>2</del> VARIABLE |

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

7           **(3) FOR A VIOLATION OF SECTION 147B OF THE MICHIGAN PENAL**  
8 **CODE, 1931 PA 328, MCL 777.147B, DETERMINE THE CRIME CLASS,**  
9 **OFFENSE VARIABLE LEVEL, AND PRIOR RECORD VARIABLE LEVEL BASED ON**  
10 **THE PREDICATE CRIME.**

11           Enacting section 1. This amendatory act does not take effect  
12 unless Senate Bill No. 1455

13           of the 94th Legislature is enacted into law.