SUBSTITUTE FOR

HOUSE BILL NO. 4487

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 2017 PA 74.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   CHAPTER XVII

2   Sec. 16g. (1) This chapter applies to the following felonies

3 enumerated in chapter 750 of the Michigan Compiled Laws:

4 **M.C.L.**

M.C.L.	Category	Class	Description	Stat Max
5 750.135	Person	D	Exposing children with intent to injure or abandon	10
6 750.135a(2)(c)	Person	D	Leaving child unattended in vehicle resulting in serious physical harm	10

1	750.135a(2)(d)	Person	B	Leaving child unattended in vehicle resulting in death	15
2	750.136	Person	B	Female genital mutilation violation	15
3	750.136a	Person	B	Transporting person for purpose of female genital mutilation	15
4	750.136b(2)	Person	A	First degree child abuse	Life
5	750.136b(4)(a)	Person	C	Second degree child abuse — first offense	10
6	750.136b(4)(b)	Person	B	Second degree child abuse — ~~second or subsequent offense~~ **WITH PRIOR CONVICTION**	20
7	~~750.136b(6)~~ **750.136B(6)(A)**	Person	G	Third degree child abuse **— FIRST OFFENSE**	2
8	**750.136B(6)(B)**	**PERSON**	**E**	**THIRD DEGREE CHILD ABUSE — WITH PRIOR CONVICTION**	**5**
9	**750.136B(8)(B)**	**PERSON**	**G**	**FOURTH DEGREE CHILD ABUSE — WITH PRIOR CONVICTION**	**2**
10	750.136c	Person	B	Buying or selling an individual	20
11	750.136d(1)(a)	Person	A	First degree child abuse in presence of another child	Life
12	750.136d(1)(b)	Person	D	Second degree child abuse in presence of another child – first offense	10

1	750.136d(1)(c)	Person	B	Second degree child abuse in presence of another child – second or subsequent offense	20
2	750.136d(1)(d)	Person	G	Third degree child abuse in presence of another child	2
3	750.145a	Person	F	Soliciting child to commit an immoral act	4
4	750.145b	Person	D	Accosting children for immoral purposes with prior conviction	10
5	750.145c(2)	Person	B	Producing child sexually abusive activity or material	20
6	750.145c(3)	Person	D	Distributing, promoting, or financing the distribution of child sexually abusive activity or material	7
7	750.145c(4)	Person	F	Possessing child sexually abusive material	4
8	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

1	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
2	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
3	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
4	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
5	750.145n(1)	Person	C	First degree vulnerable adult abuse	15
6	750.145n(2)	Person	F	Second degree vulnerable adult abuse	4
7	750.145n(3)	Person	G	Third degree vulnerable adult abuse	2

1	750.145o	Person	E	Death of vulnerable adult caused by unlicensed caretaker	5
2	750.145p(1)	Person	G	Commingling funds of, obstructing investigation regarding, or filing false information regarding, vulnerable adult	2
3	750.145p(2)	Person	G	Retaliation or discrimination by caregiver against vulnerable adult	2
4	750.145p(5)	Person	E	Caregiver or licensee violation against vulnerable adult — second or subsequent offense	5
5	750.147b	Person	G	Ethnic intimidation	2

6   (2) For a violation of section 145d of the Michigan penal

7 code, 1931 PA 328, MCL 750.145d, determine the offense category,

8 offense variable level, and prior record variable level based on

9 the underlying offense.

10   Enacting section 1. This amendatory act takes effect 90 days

11 after the date it is enacted into law.

12   Enacting section 2. This amendatory act does not take effect

13 unless House Bill No. 4486 of the 99th Legislature is enacted into

14 law.