

SENATE BILL No. 277

March 28, 2017, Introduced by Senators JONES, BIEDA, KNEZEK, O'BRIEN, ROCCA and CONYERS and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending sections 16b, 34, 40, 46, and 49 of chapter XVII (MCL 777.16b, 777.34, 777.40, 777.46, and 777.49), section 16b as amended by 2008 PA 562, section 34 as added by 1998 PA 317, section 40 as amended by 2014 PA 350, section 46 as amended by 1999 PA 227, and section 49 as amended by 2002 PA 137.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XVII

2 Sec. 16b. This chapter applies to the following felonies
3 enumerated in chapter 750 of the Michigan Compiled Laws:

4 M.C.L.	Category	Class	Description	Stat Max
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1	750.49(2)(a) to (d)	Pub ord	F	Fighting animals or providing facilities for animal fights	4
2	750.49(2)(e)	Pub ord	F	Organizing or promoting animal fights	4
3	750.49(2)(f)	Pub ord	H	Attending animal fight	4
4	750.49(2)(g)	Pub ord	F	Breeding or selling fighting animals	4
5	750.49(2)(h)	Pub ord	F	Selling or possessing equipment for animal fights	4
6	750.49(8)	Person	A	Inciting fighting animal resulting in death	Life
7	750.49(9)	Person	F	Inciting fighting animal to attack	4
8	750.49(10)	Person	D	Fighting animal attacking without provocation and death resulting	15
9	750.50(4)(c)	Pub ord	GF	Animal neglect or cruelty involving 4 or more animals but fewer than 10 animals or with 1 prior conviction	2
10	750.50(4)(d)	Pub ord	FE	Animal neglect or cruelty involving 10 or more animals BUT FEWER THAN 25 ANIMALS or with 2 or more prior convictions	4
11	750.50(4)(E)	PUB ORD	E	ANIMAL NEGLECT OR CRUELTY INVOLVING 25 OR MORE ANIMALS OR WITH 3 OR MORE PRIOR CONVICTIONS	7

1	750.50(4)(F)	PUB ORD	E	ANIMAL NEGLECT OR CRUELTY BY BREEDER OR PET SHOP OPERATOR WITH 5 OR MORE PRIOR VIOLATIONS OF 1969 PA 287, MCL 287.331 TO 287.340	2
2	750.50b(3)	Property	FD	Killing FIRST DEGREE KILLING or torturing animals	410
3	750.50B(4)	PROPERTY	E	SECOND DEGREE KILLING OR TORTURING ANIMALS	7
4	750.50B(5)	PROPERTY	F	THIRD DEGREE KILLING OR TORTURING ANIMALS	4
5	750.50c(5)	Pub ord	E	Killing or causing serious physical harm to law enforcement animal or search and rescue dog	5
6	750.50c(7)	Pub saf	H	Harassing or causing harm to law enforcement animal or search and rescue dog while committing crime	2
7	750.68	Property	G	Changing brands with intent to steal	4

8 Sec. 34. (1) Offense variable 4 is psychological injury to a
9 victim. Score offense variable 4 by determining which of the
10 following apply and by assigning the number of points attributable
11 to the one that has the highest number of points:

12 (a) Serious psychological injury requiring
13 professional treatment occurred to a victim..... 10 points

1 (B) FOR A CONVICTION UNDER SECTION 50B OF
 2 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.50B,
 3 SERIOUS PSYCHOLOGICAL INJURY REQUIRING PROFESSIONAL
 4 TREATMENT OCCURRED TO THE OWNER OF A COMPANION
 5 ANIMAL..... 5 POINTS

6 (C) ~~(b)~~—No serious psychological injury requiring
 7 professional treatment occurred to a victim..... 0 points

8 (2) Score 10 points if the serious psychological injury may
 9 require professional treatment. In making this determination, the
 10 fact that treatment has not been sought is not conclusive.

11 Sec. 40. (1) Offense variable 10 is exploitation of a
 12 vulnerable victim. Score offense variable 10 by determining which
 13 of the following apply and by assigning the number of points
 14 attributable to the one that has the highest number of points:

15 (a) Predatory conduct was involved..... 15 points

16 (b) The offender exploited a victim's physical
 17 disability, mental disability, youth or agedness,
 18 or a domestic relationship, or the offender abused
 19 his or her authority status..... 10 points

20 (c) The offender exploited a victim by his or
 21 her difference in size or strength, or both, or
 22 exploited a victim who was intoxicated, under the
 23 influence of drugs, asleep, or unconscious..... 5 points

24 (d) The offender did not exploit a victim's
 25 vulnerability..... 0 points

26 (2) The mere existence of 1 or more factors described in
 27 subsection (1) does not automatically equate with victim

1 vulnerability.

2 (3) As used in this section:

3 (a) "Predatory conduct" means preoffense conduct directed at a
4 victim, or a law enforcement officer posing as a potential victim,
5 for the primary purpose of victimization.

6 (b) "Exploit" means to manipulate a victim for selfish or
7 unethical purposes. **EXPLOIT ALSO MEANS TO VIOLATE SECTION 50B OF**
8 **THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.50B, FOR THE PURPOSE**
9 **OF MANIPULATING A VICTIM FOR SELFISH OR UNETHICAL PURPOSES.**

10 (c) "Vulnerability" means the readily apparent susceptibility
11 of a victim to injury, physical restraint, persuasion, or
12 temptation.

13 (d) "Abuse of authority status" means a victim was exploited
14 out of fear or deference to an authority figure, including, but not
15 limited to, a parent, physician, or teacher.

16 Sec. 46. (1) Offense variable 16 is property obtained,
17 damaged, lost, or destroyed. Score offense variable 16 by
18 determining which of the following apply and by assigning the
19 number of points attributable to the one that has the highest
20 number of points:

21 (A) FOR A CONVICTION UNDER SECTION 50 OF THE
22 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.50, THE
23 PROPERTY WAS 25 OR MORE ANIMALS..... 25 POINTS

24 (B) FOR A CONVICTION UNDER SECTION 50 OF THE
25 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.50, THE
26 PROPERTY WAS 10 OR MORE ANIMALS BUT FEWER THAN 25
27 ANIMALS..... 10 POINTS

- 1 (C) ~~(a)~~—Wanton or malicious damage occurred
- 2 beyond that necessary to commit the crime for
- 3 which the offender is not charged and will not be
- 4 charged..... 10 points
- 5 (D) ~~(b)~~—The property had a value of more than
- 6 \$20,000.00 or had significant historical, social,
- 7 or sentimental value..... 10 points
- 8 (E) ~~(c)~~—The property had a value of \$1,000.00
- 9 or more but not more than \$20,000.00..... 5 points
- 10 (F) ~~(d)~~—The property had a value of \$200.00
- 11 or more but not more than \$1,000.00..... 1 point
- 12 (G) ~~(e)~~—No property was obtained, damaged,
- 13 lost, or destroyed or the property had a value of
- 14 less than \$200.00..... 0 points

15 (2) All of the following apply to scoring offense variable 16:

16 (a) In multiple offender or victim cases, the appropriate
17 points may be determined by adding together the aggregate value of
18 the property involved, including property involved in uncharged
19 offenses or charges dismissed under a plea agreement.

20 (b) In cases in which the property was obtained unlawfully,
21 lost to the lawful owner, or destroyed, use the value of the
22 property in scoring this variable. If the property was damaged, use
23 the monetary amount appropriate to restore the property to pre-
24 offense condition in scoring this variable.

25 (c) The amount of money or property involved in admitted but
26 uncharged offenses or in charges that have been dismissed under a
27 plea agreement may be considered.

1 Sec. 49. Offense variable 19 is threat to the security of a
2 penal institution or court or interference with the administration
3 of justice or the rendering of emergency services. Score offense
4 variable 19 by determining which of the following apply and by
5 assigning the number of points attributable to the one that has the
6 highest number of points:

7 (a) The offender by his or her conduct threatened
8 the security of a penal institution or court..... 25 points

9 (b) The offender used force or the threat of
10 force against another person or the property of
11 another person to interfere with, attempt to interfere
12 with, or that results in the interference with the
13 administration of justice or the rendering of emergency
14 services..... 15 points

15 (c) The offender otherwise interfered with or
16 attempted to interfere with the administration of
17 justice, **OR DIRECTLY OR INDIRECTLY VIOLATED A PERSONAL**
18 **PROTECTION ORDER**..... 10 points

19 (d) The offender did not threaten the security
20 of a penal institution or court or interfere with
21 or attempt to interfere with the administration of
22 justice or the rendering of emergency services by
23 force or threat of force..... 0 points

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.

26 Enacting section 2. This amendatory act does not take effect
27 unless Senate Bill No. 276

1 of the 99th Legislature is enacted into law.