

HOUSE BILL NO. 4433

April 19, 2023, Introduced by Reps. Rheingans, Arbit, Dievendorf, Byrnes, MacDonell, Wegela, Hill, Paiz, Hood, Weiss, Snyder, Hope, Stone, Martus, Fitzgerald, Brabec, Wilson, Price, Tsernoglou, Andrews, Scott, Rogers, Morgan, Morse, Glanville, Koleszar and Skaggs and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 9 of chapter VI and section 16i of chapter XVII
(MCL 766.9 and 777.16i), section 9 of chapter VI as amended by 1988
PA 106 and section 16i of chapter XVII as amended by 2012 PA 169.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER VI

Sec. 9. (1) Upon the motion of any party, the examining
magistrate may close to members of the general public the
preliminary examination of a person charged with criminal sexual

1 conduct in any degree, assault with intent to commit criminal
2 sexual conduct, ~~sodomy,~~ **bestiality**, gross indecency, or any other
3 offense involving sexual misconduct if all of the following
4 conditions are met:

5 (a) The magistrate determines that the need for protection of
6 a victim, a witness, or the defendant outweighs the public's right
7 of access to the examination.

8 (b) The denial of access to the examination is narrowly
9 tailored to accommodate the interest being protected.

10 (c) The magistrate states on the record the specific reasons
11 for ~~his or her~~ **the magistrate's** decision to close the examination
12 to members of the general public.

13 (2) In determining whether closure of the preliminary
14 examination is necessary to protect a victim or witness, the
15 magistrate shall consider all of the following:

16 (a) The psychological condition of the victim or witness.

17 (b) The nature of the offense charged against the defendant.

18 (c) The desire of the victim or witness to have the
19 examination closed to the public.

20 (3) The magistrate may close a preliminary examination to
21 protect the right of a party to a fair trial only if both of the
22 following apply:

23 (a) There is a substantial probability that the party's right
24 to a fair trial will be prejudiced by publicity that closure would
25 prevent.

26 (b) Reasonable alternatives to closure cannot adequately
27 protect the party's right to a fair trial.

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CHAPTER XVII

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

3	M.C.L.	Category	Class	Description	Stat Max
4	750.158	Pub ord	E	Sodomy Bestiality	15
5	750.159j	Pub saf	B	Racketeering	20
6	750.160	Pub ord	D	Disinterring or	10
7				mutilating dead human	
8				body	
9	750.160a	Pub ord	H	Photographing dead	2
10				human body	
11	750.160c	Pub ord	D	Improper disposal of	10
12				dead human body after	
13				more than 180 days	
14	750.161	Pub ord	G	Desertion,	3
15				abandonment, or	
16				nonsupport	
17	750.164	Pub ord	F	Desertion to escape	4
18				prosecution	
19	750.165	Pub ord	F	Failing to pay support	4
20	750.168(2) (a)	Pub ord	G	Disorderly conduct at	2
21				a funeral, memorial	
22				service, viewing,	
23				procession, or burial	
24	750.168(2) (b)	Pub ord	F	Disorderly conduct at	4
25				a funeral, memorial	
26				service, viewing,	
27				procession, or burial	
28				– subsequent offense	

1	750.174(4)	Property	E	Embezzlement by agent	5
2				of \$1,000 to \$20,000,	
3				or with prior	
4				convictions, or of	
5				\$200 to \$1,000 from	
6				nonprofit corporation	
7				or charitable	
8				organization	
9	750.174(5)	Property	D	Embezzlement by agent	10
10				of \$20,000 to \$50,000,	
11				or with prior	
12				convictions, or of	
13				\$1,000 to \$20,000 from	
14				nonprofit corporation	
15				or charitable	
16				organization	
17	750.174(6)	Property	C	Embezzlement by agent	15
18				of \$50,000 to \$100,000	
19	750.174(7)	Property	B	Embezzlement by agent	20
20				of \$100,000 or more	
21	750.174a(4)	Property	E	Embezzlement from	5
22				vulnerable adult of	
23				\$1,000 to \$20,000 or	
24				with prior convictions	
25	750.174a(5)	Property	D	Embezzlement from	10
26				vulnerable adult of	
27				\$20,000 to \$50,000 or	
28				with prior convictions	

1	750.174a (6)	Property	C	Embezzlement from	15
2				vulnerable adult of	
3				\$50,000 to \$100,000 or	
4				with prior convictions	
5	750.174a (7)	Property	B	Embezzlement from	20
6				vulnerable adult of	
7				\$100,000 or more or	
8				with prior convictions	
9	750.175	Pub trst	D	Embezzlement by public	10
10				officer of more than	
11				\$50	
12	750.176	Pub trst	E	Embezzlement by	10
13				administrator,	
14				executor, or guardian	
15	750.177 (2)	Property	D	Embezzlement by	10
16				chattel mortgagor of	
17				\$20,000 or more or	
18				with prior convictions	
19	750.177 (3)	Property	E	Embezzlement by	5
20				chattel mortgagor of	
21				\$1,000 to \$20,000 or	
22				with prior convictions	
23	750.178 (2)	Property	D	Embezzling mortgaged	10
24				or leased property of	
25				\$20,000 or with prior	
26				convictions	

1	750.178(3)	Property	E	Embezzling mortgaged	5
2				or leased property of	
3				\$1,000 to \$20,000 or	
4				with prior convictions	
5	750.180	Property	D	Embezzlement by	20
6				financial institution	
7	750.181(4)	Property	E	Embezzling jointly	5
8				held property with	
9				value of \$1,000 to	
10				\$20,000 or with prior	
11				convictions	
12	750.181(5)	Property	D	Embezzling jointly	10
13				held property with	
14				value of \$20,000 or	
15				more or with prior	
16				convictions	
17	750.182	Property	G	Embezzlement by	4
18				warehouses	
19	750.182a	Pub trst	H	Falsifying school	2
20				records	

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

23 Enacting section 2. This amendatory act does not take effect
24 unless Senate Bill No.____ or House Bill No. 4431 (request no.
25 00569'23) of the 102nd Legislature is enacted into law.