HOUSE BILL NO. 5593

March 14, 2024, Introduced by Reps. Outman, Neeley, Brenda Carter, O'Neal, MacDonell, Aragona, Haadsma, Tyrone Carter, Hope, Coffia, Dievendorf, Koleszar, Rheingans, Edwards, Morgan, Young, Scott and Aiyash and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled

"The code of criminal procedure,"

by amending section 41 of chapter XVII (MCL 777.41), as added by 1998 PA 317.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   CHAPTER XVII

2   Sec. 41. (1) Offense variable 11 is criminal sexual

3 penetration. Score offense variable 11 by determining which of the

4 following apply and by assigning the number of points attributable

5 to the one that has the highest number of points:

1   (a) Two or more criminal
2   sexual penetrations occurred   50 points
3   **(b) Two or more criminal**
4   **sexual penetrations of a**
5   **companion animal occurred........ 25 points**
6   **(c)** ~~(b)~~ One criminal sexual
7   penetration occurred   25 points
8   **(d) One criminal sexual**
9   **penetration of a companion animal**
10   **occurred....................... 15 points**
11   **(e)** ~~(c)~~ No criminal sexual
12   penetration occurred   0 points
13   (2) All of the following apply to scoring offense variable 11:
14   (a) Score all sexual penetrations of the victim **or a companion**
15   **animal** by the offender arising out of the sentencing offense.
16   (b) Multiple sexual penetrations of the victim **or a companion**
17   **animal** by the offender extending beyond the sentencing offense may
18   be scored in offense variables 12 or 13.
19   (c) Do not score points for the 1 penetration that forms the
20   basis of a first- or third-degree criminal sexual conduct offense
21   **or an offense against a companion animal under section 158 of the**
22   **Michigan penal code, 1931 PA 328, MCL 750.158.**
23   Enacting section 1. This amendatory act does not take effect
24   unless all of the following bills of the 102nd Legislature are
25   enacted into law:
26   (a) Senate Bill No.____ or House Bill No. 5588 (request no.
27   04563'23).
28   (b) Senate Bill No.____ or House Bill No. 5592 (request no.
29   04564'23).