

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

***** 769.31.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 24, 2021 *****

769.31.amended Definitions.

Sec. 31. As used in this section and section 34 of this chapter:

(a) "Departure" means a sentence imposed that is not within the appropriate minimum sentence range established under the sentencing guidelines set forth in chapter XVII.

(b) "Intermediate sanction" means probation or any sanction, other than imprisonment in a county jail, state prison, or state reformatory, that may lawfully be imposed. Intermediate sanction includes, but is not limited to, 1 or more of the following:

(i) Inpatient or outpatient drug treatment or participation in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1082.

(ii) Probation with any probation conditions required or authorized by law.

(iii) Residential probation.

(iv) Probation with special alternative incarceration.

(v) Mental health treatment.

(vi) Mental health or substance abuse counseling.

(vii) Participation in a community corrections program.

(viii) Community service.

(ix) Payment of a fine.

(x) House arrest.

(xi) Electronic monitoring.

(c) "Offender characteristics" means only the prior criminal record of an offender.

(d) "Offense characteristics" means the elements of the crime and the aggravating and mitigating factors relating to the offense that the legislature determines are appropriate. For purposes of this subdivision, an offense described in section 33b of the corrections code of 1953, 1953 PA 232, MCL 791.233b, that resulted in a conviction and that arose out of the same transaction as the offense for which the sentencing guidelines are being scored shall be considered as an aggravating factor.

(e) "Prior criminal record" means all of the following:

(i) Misdemeanor and felony convictions.

(ii) Probation and parole violations involving criminal activity.

(iii) Dispositions entered under section 18 of chapter XIIA of 1939 PA 288, MCL 712A.18, for acts that would have been crimes if committed by an adult.

(iv) Assignment to youthful trainee status under sections 11 to 15 of chapter II.

(v) A conviction set aside under 1965 PA 213, MCL 780.621 to 780.624.

(vi) Dispositions described in subparagraph (iii) that have been set aside under section 18e of chapter XIIA of 1939 PA 288, MCL 712A.18e, or expunged.

History: Add. 1994, Act 445, Imd. Eff. Jan. 10, 1995;—Am. 1998, Act 317, Eff. Dec. 15, 1998;—Am. 2002, Act 31, Eff. Apr. 1, 2002;—Am. 2004, Act 220, Eff. Jan. 1, 2005;—Am. 2020, Act 395, Eff. Mar. 24, 2021.