

2026 June Board of Commissioners Meeting

Schedule	Friday, June 12, 2026 8:30 AM — 11:30 AM EDT
Venue	Grand Hotel - Grand Pavilion Room
Organizer	Amy Owens

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Any member of the public who wishes to address the commissioners during public comment must sign up before 8:30 a.m. on the date of the meeting using the “Public Comment Sign Up” sheet available outside the meeting doors of the Grand Pavilion Room.	
12. Adjournment	466

1. Call to Order

**STATE BAR OF MICHIGAN
BOARD OF COMMISSIONERS
Friday, June 12, 2026
Grand Hotel – Grand Pavilion Room
AGENDA
8:30am**

State Bar of Michigan Statement of Purpose

“The State Bar of Michigan shall aid in promoting improvements in the administration of justice and advancements in jurisprudence, in improving relations between the legal profession and the public, and in promoting the interests of the legal profession in this state.”

Rule 1 of the Supreme Court Rules Concerning the State Bar of Michigan

1. **Call to Order** Lisa J. Hamameh, President

2. Consent Agenda

- 2.1. Minutes
 - 2.1.1. April 24, 2026, Board Meeting*
 - 2.1.2. February 11, 2026, Executive Committee Meeting*
 - 2.1.3. April 13, 2026, Executive Committee Meeting*
- 2.2. President’s Activities*
Lisa J. Hamameh, President
- 2.3. Executive Director’s Activities*
Peter Cunningham, Executive Director
- 2.4. Finance and Audit Committee – FY2026 Financial Reports through April 2026*
David C. Anderson, Treasurer
- 2.5. Strategic Planning and Engagement – Section Bylaw Amendments*
Thomas H. Howlett, Vice President

3. **Upcoming Events – [SBM Event Calendar](#)**

LEADERSHIP REPORTS

4. **President’s and Executive Director’s Report**.....Lisa J. Hamameh, President
Peter Cunningham, Executive Director
- 4.1. Michigan Supreme Court Commissions Updates
 - 4.2. 2026 SBM Officer Election Update
 - 4.3. 2026 SBM Election Update
 - 4.4. Staff Updates
 - 4.5. Closed Discussion: Proposed Contract

- 5. **Representative Assembly Report** Nicole A. Evans, Chairperson
- 6. **Young Lawyers Section Report** Jacob Eccleston, Chairperson

COMMISSIONER COMMITTEES

- 7. **Public Policy**..... Erika L. Bryant, President-Elect
 - 7.1. Legislation*
- 8. **Strategic Planning and Engagement** Thomas H. Howlett, Vice President
 - 8.1. Bar Journal Recommendations*
 - 8.2. Liberty Bell Award*
 - 8.3. Partner Programs
 - 8.3.1. Lexara*
 - 8.3.2. Smith.ai*
 - 8.4. 2026-2027 Committee Jurisdiction Resolution*
- 9. **Audit and Finance** David C. Anderson, Treasurer
 - 9.1. Finance Report
 - 9.2. FY 2027 Preliminary Budget Summary
- 10. **Professional Standards** Suzanne C. Larsen, Secretary

- 11. **For the Good of the Public and the Profession**

- 11.1. Comments or Questions from Commissioners
 - 11.2. Public Comment

Any member of the public who wishes to address the commissioners during public comment must sign up before 8:30 a.m. on the date of the meeting using the “Public Comment Sign Up” sheet available outside the meeting doors of the Grand Pavilion Room.

- 12. **Adjournment**

*Materials included with the agenda.

2. Consent Agenda

For Approval

2.1. Minutes

Presented by Lisa J. Hamameh

2.1.1. April 24, 2026, Board Meeting*
(minutes will be added to Convene prior to
the meeting)

2.1.2. February 11, 2026, Executive Committee Meeting*

**State Bar of Michigan
Executive Committee Virtual Meeting
Wednesday, February 11, 2026
4:00 p.m.**

President Hamameh called the meeting to order at 4:02 p.m.

Members Present: President Lisa J. Hamameh, President Elect Erika L. Bryant, Vice-President Thomas H. Howlett, Treasurer David C. Anderson, Representative Assembly Clerk Alena Clark, Commissioner Sherrie L. Detzler, Commissioner Robert A. Easterly, Representative Assembly Chair Nicole A. Evans, Commissioner James L. Liggins Jr.

State Bar Staff Present: Peter Cunningham, Executive Director; Drew Baker, General Counsel; Amy Owens, Senior Executive Assistant; Felicia Thomas, Assistant Executive Director; Kari Thrush, Assistant Executive Director

Minutes:

A motion was offered and supported to approve January 7, 2026, EC meeting minutes. The motion was approved.

President and Executive Director's Report

Barristers' Ball

The Committee discussed participation in the Barristers' Ball, including prior challenges in filling seats. The Committee agreed to continue purchasing two tables and requested that prior background materials be shared on an ongoing basis.

A motion was approved to purchase two tables for the event.

Legal Practitioner Update

Mr. Cunningham reported that the anticipated launch of the legal practitioner pilot program has been delayed, with the first examination now expected in April 2027. He also noted that program funding has been secured from the Justice For All Commission and SBM's licensing efforts for the new legal practitioners will not be funded by attorney license fees.

Representative Assembly (RA) Report

Chair Evans reminded the Committee of the update provided at the January Board meeting.

March 6, 2026, Board Agenda

The Committee discussed the March 6 Board meeting agenda, including a closed session to discuss the attorney-client privileged material the Board received at that January meeting. Commissioners will have the ability to fully review the privileged materials at the SBM building prior to the March 6 meeting.

A motion was approved to hold the March 6, 2026, Board meeting in person and to approve the agenda as amended.

Cannabis Law Section

Treasurer Anderson reported on his meeting with the leadership of the Cannabis Law Section, noting that the Board approved a loan of \$11,089.24 to cover the section's existing debt but no additional loans are anticipated. The section has made progress toward financial stability, and SBM staff recommends the following loan conditions:

- The loan must be repaid, with interest, by November 1, 2026.
- Until the loan is repaid and the Section returns to a positive financial position, all Section expenses must receive prior SBM approval, and SBM staff will conduct monthly financial reviews.
- The Board should review the status of the section in FY 2027 to assess its ongoing viability.

A motion was approved to forward these recommendations to the Board for consideration.

Pledge to Preserve the Independence of the Legal Profession and Judicial System

The Committee discussed the proposed pledge from the National Conference of Bar Presidents and agreed to defer further consideration pending a privileged memorandum from General Counsel addressing potential implications under *Keller*. The matter will be taken up in closed session at the March Board meeting.

A motion was approved to include this item in the closed session agenda.

Adjournment

The meeting was adjourned at 5:13 p.m.

2.1.3. April 13, 2026, Executive
Committee Meeting*

**State Bar of Michigan
Executive Committee Virtual Meeting
Monday, April 13, 2026
4:00 p.m.**

President Hamameh called the meeting to order at 4:01 p.m.

Members Present: President Lisa J. Hamameh, Vice-President Thomas H. Howlett, Treasurer David C. Anderson, Secretary Suzanne C. Larsen, Representative Assembly Clerk Alena Clark, Commissioner Sherriee L. Detzler, Commissioner Robert A. Easterly, Representative Assembly Chair Nicole A. Evans, Commissioner James L. Liggins Jr.

State Bar Staff Present: Peter Cunningham, Executive Director; Drew Baker, General Counsel; Amy Owens, Senior Executive Assistant; Felicia Thomas, Assistant Executive Director; Kari Thrush, Assistant Executive Director

Minutes:

Approval of the February 11, 2026, meeting minutes were postponed until the next Executive Committee meeting on May 20, 2026.

President and Executive Director's Report

President Hamameh spoke about current events she attended including ABA Day in Washington DC to talk to members of Congress about funding for the Legal Services Corporation, the YLS Summit and the joint Affinity Bar event that included the Irish American Lawyers, Southeast Asian Lawyers and Women's Lawyers.

Peter Cunningham spoke about upcoming board items including budget amendments for the approval of the new website contract and capital expenses related to unplanned building maintenance needs. These agenda items are pending Finance Committee review and are subject to website vendor contract approval through the SPEC Committee.

Representative Assembly (RA) Report

Chair Evans discussed upcoming events including the first Representative Assembly meeting scheduled for April 25, work being done to fill vacancies and the Law Day Expungement Clinic that their court is hosting on May 1 as part of America's 250th celebrations.

April 24, 2026, Board Agenda

The Committee discussed the April 24 Board meeting agenda. With the amendment of adding mention of the officer election under the President and Executive Director's Report, a motion was offered and supported to approve the April 24, 2026, draft Board agenda.

ABA House of Delegates Applicants (three vacancies)

The Committee discussed the six ABA House of Delegate Applicants. A motion was approved to forward the following applicant recommendations to the Board for consideration of the three vacancies for the ABA House of Delegates.

- Mark A. Armitage
- Julie I. Fershtman
- Joesph P. McGill

Adjournment

The meeting was adjourned at 4:39 p.m.

2.2. President's Activities*

Presented by Lisa J. Hamameh

President Lisa J. Hamameh
President's Activities
April 25 through June 12, 2026

Date	Event	Location
April 25	Barristers' Ball	Detroit
April 26	Brunch for Bars	Detroit
May 1	Judicial Memorial Plaque Ceremony	Pontiac
May 6	Oakland County Signature Event	West Bloomfield
May 7	50 Year Honoree Luncheon	Plymouth
May 7	St. Clair County Bar Association Annual Meeting	St. Clair
May 13	GTLA Bar Association	Traverse City
May 14-15	ICLE Probate and Estate Conference	Acme
May 15	Admitted Student Wayne Law-Dean's Luncheon	Ford Field
May 16	BOC vs YLS Challenge	Lansing
May 19	US Courts Committee Bench Bar Dinner	Lansing
May 20	SBM Executive Committee Meeting	Zoom
May 27	Plaque Unveiling and Dedication to Judge Wittenberg	Royal Oak
June 3	Oakland County Bar 92 nd Annual Meeting & Awards Ceremony	Birmingham
June 4	Negligence Law Section Awards Dinner	Detroit
June 9	Berrien County Annual Meeting	Stevensville
June 11-12	Board of Commissioners Meeting/Great Lakes Legal Conference	Mackinac Island

2.3. Executive Director's Activities*

Presented by Peter Cunningham

Executive Director Peter Cunningham Activities
April 25 through June 12, 2026

Date	Event
April 25	Representative Assembly Meeting
April 25	Barristers' Ball
April 26	Brunch for Bars
April 27	CFPT – Workgroup (Pathways to the Bench) Meeting
April 28	ICLE Executive Committee Meeting
April 29	Meeting with BetterWorld Technology
April 30	Meeting with SCAO on Legal Practitioner Licensing Pilot
April 30	Meeting with Adna Technologies
May 4	Commission on Well-Being in the Law: Executive Meeting
May 6	Call with Anne Vrooman
May 7	SBM 50 Year Celebration Luncheon
May 8	CFPT – Workgroup (Pathways to the Bench) Meeting
May 11	SPAR Review Subcommittee Prep Meeting
May 14	JFA Executive Team Meeting
May 14	SPAR and Future Strategic Plan Subcommittee Mtg
May 14-15	Probate & Estate Planning Institute
May 16	YLS vs BOC Challenge
May 18	Budget Review Meetings
May 19	Budget Review Meetings
May 19	Strategic Planning and Engagement Committee Meeting
May 19	Bench Bar Dinner – US Courts Committee
May 20	Budget Review Meetings
May 20	SBM Executive Committee Meeting
May 21	Budget Review Meetings

May 26	Meeting with ABA Center for Bar Leadership
May 27	Licensing Pilot – Check In Meeting
May 28	Commission on Well-Being in the Law (WBIL) Executive Team Meeting
May 28	JFA Executive Team Meeting
May 29	Call with David Anderson
June 1	ICLE Executive Committee Meeting
June 5	Commission on Fairness and Public Trust Meeting
June 5	SBM Officer Meeting
June 8	Meeting with SCAO on Legal Practitioner Licensing Pilot
June 8	Justice for All Commission (JFA) Meeting
June 9	SBM Finance and Audit Committee Meeting
June 10	Website Kickoff with Kalamuna
June 10	Public Policy Committee Meeting
June 11-12	Board of Commissioners Meeting /Great Lakes Legal Conference (GLLC)

2.4. Finance and Audit Committee - FY2026 Financial Reports through April 2026*

Presented by David C. Anderson

State Bar of Michigan Financial Results Summary

For the Seven Months Ended April 30, 2026
Fiscal Year 2026

Administrative Fund - Summary of Results as of April 30, 2026

Operating Revenues	\$7,821,628
Operating Expenses	<u>(7,487,846)</u>
Operating Income (Loss)	333,782
Non-Operating Income (Loss)	<u>766,951</u>
Change in Net Position	\$1,100,733
Net Position, October 1, 2025	<u>\$18,394,134</u>
Net Position, April 30, 2026	<u>\$19,494,867</u>

As of April 30, 2026, Net Position *excluding* net assets restricted for retiree healthcare was \$14,683,229, an increase of \$851,271 since the beginning of the year and favorable to budget by \$930,830.

YTD Operating Revenue variance – \$237,518, favorable to budget (3.1%):

- License fee and related revenue was higher than budget by \$31,890 (0.5%) due to higher late fees, partially offset by lower delinquent dues and lower reinstatement fees.
- Other operating revenue was higher than budget by \$205,628 (14.7%) primarily due to higher Bar Journal, E-Journal and Digital advertising revenues, Character & Fitness, pro-hac-vice, Lawyer Services, and IAP revenues.

YTD Operating Expense variance - \$656,958, favorable to budget (8.1%):

Labor Operating Expenses - \$295,994, favorable (5.4%)

- Salaries expenses were lower than budget by \$214,170 (5.2%) due to vacancies.
- Employee Benefits & Payroll Taxes were lower than budget by \$81,824 (6.0%) due to vacancies and timing of some expenses.

Non-Labor Operating Expenses - \$360,963, favorable (13.5%)

- Division 1 - \$57,905, favorable (15.3%) primarily due to lower IAP, UPL and Outreach expenses.

- Division 2 - \$247,610, favorable (19.0%) primarily due to lower IT, Bar Journal, Digital, Facilities, Inauguration and Awards Lunch, General Communications, Lawyers & Judges Assistance Program, Research, and Print and Design.
- Division 3 - \$55,449, favorable (5.6%) primarily due to lower Executive Office, Human Resources, Representative Assembly, Finance, and Administration expenses, and higher Board of Commissioners expenses.

YTD Non-Operating Revenue Budget Variance - \$360,657, favorable to budget (88.8%):

- Investment income is favorable to budget by \$36,354 (8.9%) due to higher interest rates and investment balances.
- Retiree Health Care Trust had a net investment income of \$324,303 (this amount is not budgeted).

Cash and Investment Balance

As of April 30, 2026, cash and investment balances net of *due to Sections, ADS, Client Protection Fund, and Retiree Health Care Trust* were \$16,400,323, an increase of \$2,731,293 from the beginning of the year primarily due to collection of license fees.

SBM Entities Retiree Health Care Trust

As of April 30, 2026, the SBM retiree health care trust investments were \$5,259,303, an increase of \$249,462 since the beginning of the year. The change was due to investment income of \$330,284, disbursements of \$74,841 and investment advisor and custodian fees of \$5,981.

Capital Budget

Year-to-date capital expenditures totaled \$242,810, or 44% of the FY 2026 amended capital expenditures budget of \$555,330.

Client Protection Fund

The Net Position of the Client Protection Fund as of April 30, 2026, totaled \$2,978,936, a decrease of \$318,394 from the beginning of the year. Claims expenses totaled \$638,319.

SBM Membership

As of April 30, 2026, the active, inactive, and emeritus membership in good standing totaled 47,317, an increase of 95 attorneys since the beginning of the year. The number of active fee-paying attorneys decreased by 400. Since the beginning of this fiscal year, 671 new attorneys joined SBM, compared to 686 during the same period of FY 2025.

**STATE BAR OF MICHIGAN
ADMINISTRATIVE FUND**

Unaudited and For Internal Use Only

**FINANCIAL REPORTS
April 30, 2026**

FY 2026

Note: License fee revenue is recognized
and budgeted as earned each month
throughout the year.

**State Bar of Michigan
Statement of Net Position
April 30, 2026**

Financial Row	Current Period (As of Apr 2026)		Prior Month (As of Mar 2026)		Variance	Variance %	Beginning of FY (As of FY 2025)		
ASSETS AND DEFERRED OUTFLOWS OF RESOURCES									
Assets									
Cash	\$	790,445	\$	1,321,073	\$	(530,628)	(40.2%)	\$	1,536,471
Investments	\$	19,171,927	\$	19,764,903	\$	(592,977)	(3.0%)	\$	15,095,629
Due from (to) CPF	\$	4,654	\$	(443)	\$	5,097	(1,151.8%)	\$	14,118
Due from (to) Sections	\$	(3,554,248)	\$	(3,622,621)	\$	68,372	(1.9%)	\$	(2,933,667)
Due from (to) ADS	\$	(12,455)	\$	(8,847)	\$	(3,608)	40.8%	\$	(43,520)
Net Administrative Fund Cash and Investment Balance	\$	16,400,323	\$	17,454,066	\$	(1,053,743)	(6.0%)	\$	13,669,030
Accounts Receivable	\$	296,473	\$	282,613	\$	13,859	4.9%	\$	221,664
Prepaid Expenses	\$	263,242	\$	294,469	\$	(31,226)	(10.6%)	\$	370,218
Capital Assets, Net	\$	3,058,555	\$	3,074,039	\$	(15,484)	(0.5%)	\$	3,110,581
SBM Retiree Health Care Trust	\$	5,259,303	\$	4,976,667	\$	282,636	5.7%	\$	5,009,841
Total Assets	\$	25,277,895	\$	26,081,854	\$	(803,959)	(3.1%)	\$	22,381,333
Deferred Outflows of Resources Related to Pensions	\$	14,807	\$	14,807	\$	-	0.0%	\$	14,807
Deferred Outflows of Resources Related to OPEB	\$	878,755	\$	878,755	\$	-	0.0%	\$	878,755
Total Deferred Outflows of Resources	\$	893,563	\$	893,563	\$	-	0.0%	\$	893,563
TOTAL ASSETS AND DEFERRED OUTFLOWS OF RESOURCES	\$	26,171,458	\$	26,975,417	\$	(803,959)	(3.0%)	\$	23,274,895
LIABILITIES, DERERRED INFLOWS OF RESOURCES AND NET POSITION									
Liabilities									
Accounts Payable	\$	16,169	\$	15,896	\$	273	1.7%	\$	520,342
Accrued Expenses	\$	817,220	\$	804,300	\$	12,920	1.6%	\$	848,383
Deferred Revenue	\$	4,305,570	\$	5,142,047	\$	(836,477)	(16.3%)	\$	1,959,429
GASB 96 Subscription Liability	\$	108,063	\$	108,063	\$	-	0.0%	\$	123,037
Net Pension Liability	\$	82,698	\$	82,698	\$	-	0.0%	\$	82,698
Net OPEB Liability	\$	126,297	\$	126,297	\$	-	0.0%	\$	126,297
Total Liabilities	\$	5,456,016	\$	6,279,300	\$	(823,284)	(13.1%)	\$	3,660,186
Deferred Inflows of Resources									
Deferred Inflows of Resources Related to Pensions	\$	20,452	\$	20,452	\$	-	0.0%	\$	20,452
Deferred Inflows of Resources Related to OPEB	\$	1,200,123	\$	1,200,123	\$	-	0.0%	\$	1,200,123
Total Deferred Inflows of Resources	\$	1,220,575	\$	1,220,575	\$	-	0.0%	\$	1,220,575
Total Liabilities and Deferred Inflows	\$	6,676,591	\$	7,499,875	\$	(823,284)	(11.0%)	\$	4,880,761
Net Assets									
Invested in Capital Assets, Net of Related Debt	\$	2,950,493	\$	2,965,976	\$	(15,484)	(0.5%)	\$	2,987,544
Restricted for Retiree Health Care Trust	\$	4,811,638	\$	4,529,003	\$	282,636	6.2%	\$	4,562,176
Unrestricted	\$	11,732,736	\$	11,980,563	\$	(247,826)	(2.1%)	\$	10,844,415
Total Net Position	\$	19,494,867	\$	19,475,542	\$	19,326	0.1%	\$	18,394,134
TOTAL LIABILITIES, DERERRED INFLOWS OF RESOURCES AND NET POSITION	\$	26,171,458	\$	26,975,417	\$	(803,959)	(3.0%)	\$	23,274,895
Net Position Excluding Impacts of Retiree Health Care Trust	\$	14,683,229	\$	14,946,539	\$	(263,310)	(1.8%)	\$	13,831,958

**State Bar of Michigan
Summary Report
April 30, 2026**

Financial Row	Actual YTD (Oct 2025 - Apr 2026)		Budget YTD (Oct 2025 - Apr 2026)		Variance	Percentage	Prior YTD Actual (Oct 2024 - Apr 2025)	
Operating Revenue								
License Fees, Dues and Related	\$	6,218,254	\$	6,186,364	\$	31,890	0.5%	\$ 6,261,085
All Other Op Revenue	\$	1,603,374	\$	1,397,746	\$	205,628	14.7%	\$ 1,539,723
Total Operating Revenue	\$	7,821,628	\$	7,584,110	\$	237,518	3.1%	\$ 7,800,808
Operating Expenses								
Labor Operating Expenses								
Salaries	\$	3,892,543	\$	4,106,713	\$	(214,170)	(5.2%)	\$ 3,652,847
Benefits and Payroll Taxes	\$	1,284,095	\$	1,365,919	\$	(81,824)	(6.0%)	\$ 1,279,115
Total Labor Operating Expenses	\$	5,176,638	\$	5,472,632	\$	(295,994)	(5.4%)	\$ 4,931,962
Non Labor Operating Expenses								
Division 1 Non Labor Operating Expenses	\$	321,020	\$	378,925	\$	(57,905)	(15.3%)	\$ 187,776
Division 2 Non Labor Operating Expenses	\$	1,058,524	\$	1,306,134	\$	(247,610)	(19.0%)	\$ 1,010,076
Division 3 Non Labor Operating Expenses	\$	931,664	\$	987,113	\$	(55,449)	(5.6%)	\$ 855,892
Total Non Labor Operating Expenses	\$	2,311,209	\$	2,672,172	\$	(360,963)	(13.5%)	\$ 2,053,744
Total Operating Expenses	\$	7,487,846	\$	8,144,804	\$	(656,958)	(8.1%)	\$ 6,985,707
Operating Income (Loss)		\$333,782		(\$560,694)		\$894,476	(159.53%)	\$815,102
Non Operating Revenue (Expenses)								
Investment Income	\$	442,648	\$	406,294	\$	36,354	8.9%	\$ 471,486
Investment Income - Ret HC Trust	\$	324,303	\$	-	\$	324,303	0.0%	\$ (30,769)
Total Non Operating Revenue (Expenses)	\$	766,951	\$	406,294	\$	360,657	88.8%	\$ 440,717
Increase (Decrease) in Net Position	\$	1,100,733	\$	(154,400)	\$	1,255,133	(812.9%)	\$ 1,255,818
Net Position Beginning of Year	\$	18,394,134	\$	18,394,134	\$	0	0.0%	\$ 16,076,928
Net Position End of Period	\$	19,494,867	\$	18,239,734	\$	1,255,133	6.9%	\$ 17,332,746
Change in Net Position Excluding Ret HC Trust Investment Income (Loss)	\$	776,430	\$	(154,400)	\$	930,830	(602.9%)	\$ 1,286,587

**State Bar of Michigan
Income Statement
April 30, 2026**

Financial Row	Actual (Oct 2025 - Apr 2026)	Budget YTD (Oct 2025 - Apr 2026)	Budget Variance	Budget Variance %	Last YTD Actuals (Oct 2024 - Apr 2025)	Actuals Variance	Actuals Variance %
Operating Revenues							
License Fees and Related	\$ 6,218,254	\$ 6,186,364	\$ 31,890	0.5%	\$ 6,261,085	\$ (42,831)	(0.7%)
Other Operating Revenues							
Division 1							
Character & Fitness	\$ 329,895	\$ 281,004	\$ 48,891	17.4%	\$ 289,940	\$ 39,955	13.8%
Diversity	\$ 1,395	\$ -	\$ 1,395	0.0%	\$ 1,590	\$ (195)	(12.3%)
Ethics	\$ 3,125	\$ 2,044	\$ 1,081	52.9%	\$ 3,250	\$ (125)	(3.8%)
IAP	\$ 208,680	\$ 197,500	\$ 11,180	5.7%	\$ 210,960	\$ (2,280)	(1.1%)
Lawyer Referral Services	\$ 98,659	\$ 90,531	\$ 8,128	9.0%	\$ 93,640	\$ 5,019	5.4%
UPL	\$ -	\$ -	\$ -	0.0%	\$ 203	\$ (203)	(100.0%)
Total - Division 1	\$ 641,754	\$ 571,079	\$ 70,675	12.4%	\$ 599,583	\$ 42,171	7.0%
Division 2							
50 Year Event	\$ 4,655	\$ 4,500	\$ 155	3.4%	\$ 5,510	\$ (855)	(15.5%)
Bar Journal	\$ 187,856	\$ 127,861	\$ 59,995	46.9%	\$ 153,395	\$ 34,462	22.5%
Digital	\$ 40,130	\$ 36,169	\$ 3,961	11.0%	\$ 26,950	\$ 13,180	48.9%
E Journal	\$ 53,548	\$ 24,500	\$ 29,048	118.6%	\$ 31,763	\$ 21,785	68.6%
Great Lakes Legal Conference	\$ 26,201	\$ 26,000	\$ 201	0.8%	\$ 26,957	\$ (755)	(2.8%)
Lawyer Services	\$ 100,184	\$ 88,889	\$ 11,295	12.7%	\$ 154,963	\$ (54,780)	(35.4%)
Lawyers & Judges Assistance Program	\$ 44,444	\$ 42,875	\$ 1,569	3.7%	\$ 51,799	\$ (7,355)	(14.2%)
Practice Management Resource Center	\$ -	\$ 875	\$ (875)	(100.0%)	\$ 586	\$ (586)	(100.0%)
Print and Design	\$ 7,970	\$ 4,305	\$ 3,665	85.1%	\$ 18,294	\$ (10,324)	(56.4%)
Total - Division 2	\$ 464,988	\$ 355,974	\$ 109,014	30.6%	\$ 470,216	\$ (5,228)	(1.1%)
Division 3							
Administration	\$ 496,632	\$ 470,693	\$ 25,939	5.5%	\$ 469,924	\$ 26,708	5.7%
Total - Division 3	\$ 496,632	\$ 470,693	\$ 25,939	5.5%	\$ 469,924	\$ 26,708	5.7%
Total Other Operating Revenues	\$ 1,603,374	\$ 1,397,746	\$ 205,628	14.7%	\$ 1,539,723	\$ 63,651	4.1%
Total Operating Revenues	\$ 7,821,628	\$ 7,584,110	\$ 237,518	3.1%	\$ 7,800,808	\$ 20,820	0.3%
Operating Expenses							
Division 1							
Character & Fitness	\$ 26,127	\$ 23,828	\$ 2,299	9.6%	\$ 11,868	\$ 14,258	120.1%
Client Protection Fund	\$ 12,313	\$ 12,386	\$ (73)	(0.6%)	\$ 33,319	\$ (21,007)	(63.0%)
Diversity	\$ 22,832	\$ 23,850	\$ (1,018)	(4.3%)	\$ 15,266	\$ 7,566	49.6%
Ethics	\$ 1,368	\$ 3,160	\$ (1,792)	(56.7%)	\$ 3,495	\$ (2,127)	(60.9%)
IAP	\$ 7,684	\$ 45,410	\$ (37,726)	(83.1%)	\$ 6,067	\$ 1,617	26.7%
Justice Initiatives	\$ 126,337	\$ 128,592	\$ (2,255)	(1.8%)	\$ 52,923	\$ 73,414	138.7%
Lawyer Referral Services	\$ 5,902	\$ 7,068	\$ (1,166)	(16.5%)	\$ 7,283	\$ (1,382)	(19.0%)
Outreach	\$ 116,348	\$ 125,781	\$ (9,433)	(7.5%)	\$ 54,555	\$ 61,793	113.3%
UPL	\$ 2,110	\$ 8,850	\$ (6,740)	(76.2%)	\$ 2,999	\$ (889)	(29.6%)
Total - Division 1	\$ 321,020	\$ 378,925	\$ (57,905)	(15.3%)	\$ 187,776	\$ 133,244	71.0%

Financial Row	Actual (Oct 2025 - Apr 2026)	Budget YTD (Oct 2025 - Apr 2026)	Budget Variance	Budget Variance %	Last YTD Actuals (Oct 2024 - Apr 2025)	Actuals Variance	Actuals Variance %
Division 2							
50 Year Event	\$ 5,944	\$ 6,500	\$ (556)	(8.6%)	\$ 4,001	\$ 1,943	48.6%
Bar Journal	\$ 193,713	\$ 251,300	\$ (57,587)	(22.9%)	\$ 213,701	\$ (19,988)	(9.4%)
Digital	\$ 105,655	\$ 141,295	\$ (35,640)	(25.2%)	\$ 66,299	\$ 39,357	59.4%
E Journal	\$ 12,151	\$ 10,215	\$ 1,936	19.0%	\$ 8,726	\$ 3,425	39.3%
Facilities	\$ 225,022	\$ 260,155	\$ (35,133)	(13.5%)	\$ 213,908	\$ 11,115	5.2%
General Communications	\$ 12,793	\$ 18,570	\$ (5,777)	(31.1%)	\$ 13,933	\$ (1,140)	(8.2%)
Great Lakes Legal Conference	\$ 457	\$ -	\$ 457	0.0%	\$ 433	\$ 25	5.7%
IT	\$ 425,195	\$ 514,614	\$ (89,419)	(17.4%)	\$ 400,449	\$ 24,746	6.2%
Inauguration and Awards Lunch	\$ 18,900	\$ 25,000	\$ (6,100)	(24.4%)	\$ 19,333	\$ (433)	(2.2%)
Lawyer Services	\$ 17,620	\$ 20,578	\$ (2,958)	(14.4%)	\$ 11,994	\$ 5,625	46.9%
Lawyers & Judges Assistance Program	\$ 14,934	\$ 20,594	\$ (5,660)	(27.5%)	\$ 28,721	\$ (13,786)	(48.0%)
Practice Management Resource Center	\$ 7,770	\$ 8,169	\$ (399)	(4.9%)	\$ 609	\$ 7,161	1,175.9%
Print and Design	\$ 13,439	\$ 18,781	\$ (5,342)	(28.4%)	\$ 27,354	\$ (13,915)	(50.9%)
Research	\$ 4,930	\$ 10,363	\$ (5,433)	(52.4%)	\$ 616	\$ 4,314	700.0%
Total - Division 2	\$ 1,058,524	\$ 1,306,134	\$ (247,610)	(19.0%)	\$ 1,010,076	\$ 48,448	4.8%
Division 3							
Administration	\$ 66,740	\$ 71,661	\$ (4,921)	(6.9%)	\$ 61,323	\$ 5,418	8.8%
Board of Commissioners	\$ 51,878	\$ 42,069	\$ 9,809	23.3%	\$ 32,545	\$ 19,333	59.4%
Executive Office	\$ 16,560	\$ 36,667	\$ (20,107)	(54.8%)	\$ 20,938	\$ (4,378)	(20.9%)
General Counsel	\$ 28,547	\$ 26,741	\$ 1,806	6.8%	\$ 3,098	\$ 25,450	821.5%
Governmental Relations	\$ 44,753	\$ 45,251	\$ (498)	(1.1%)	\$ 39,752	\$ 5,001	12.6%
Representative Assembly	\$ 14,940	\$ 26,500	\$ (11,560)	(43.6%)	\$ 14,088	\$ 852	6.0%
Human Resources							
Payroll Taxes	\$ 284,399	\$ 314,898	\$ (30,499)	(9.7%)	\$ 268,064	\$ 16,336	6.1%
Benefits	\$ 999,695	\$ 1,051,021	\$ (51,326)	(4.9%)	\$ 1,011,052	\$ (11,356)	(1.1%)
Human Resources - Other	\$ 36,471	\$ 55,412	\$ (18,941)	(34.2%)	\$ 50,198	\$ (13,727)	(27.3%)
Total Human Resources	\$ 1,320,566	\$ 1,421,331	\$ (100,765)	(7.1%)	\$ 1,329,313	\$ (8,748)	(0.7%)
Finance							
Finance	\$ 402,440	\$ 422,615	\$ (20,175)	(4.8%)	\$ 372,125	\$ 30,316	8.1%
Depreciation	\$ 269,335	\$ 260,197	\$ 9,138	3.5%	\$ 261,826	\$ 7,509	2.9%
Total Finance	\$ 671,775	\$ 682,812	\$ (11,037)	(1.6%)	\$ 633,950	\$ 37,825	6.0%
Total - Division 3	\$ 2,215,759	\$ 2,353,032	\$ (137,273)	(5.8%)	\$ 2,135,007	\$ 80,752	3.8%
Salaries	\$ 3,892,543	\$ 4,106,713	\$ (214,170)	(5.2%)	\$ 3,652,847	\$ 239,696	6.6%
Total Operating Expenses	\$ 7,487,846	\$ 8,144,804	\$ (656,958)	(8.1%)	\$ 6,985,707	\$ 502,140	7.2%
Net Operating Income (Loss)	\$ 333,782	\$ (560,694)	\$ 894,476	(159.5%)	\$ 815,102	\$ (481,320)	(59.1%)
Non Operating Revenue (Expense)							
Investment Income	\$ 442,648	\$ 406,294	\$ 36,354	8.9%	\$ 471,486	\$ (28,838)	(6.1%)
Investment Income - Retiree HC Trust (Net)	\$ 324,303	\$ -	\$ 324,303	0.0%	\$ (30,769)	\$ 355,072	(1,154.0%)
Total Non Operating Revenue (Expense)	\$ 766,951	\$ 406,294	\$ 360,657	88.8%	\$ 440,717	\$ 326,234	74.0%
Increase (Decrease) in Net Assets	\$ 1,100,733	\$ (154,400)	\$ 1,255,133	(812.9%)	\$ 1,255,818	\$ (155,085)	(12.3%)

**State Bar of Michigan
Administrative Fund
FY 2026 Capital Expenditures
April 30, 2026**

CAPITAL EXPENDITURES	FY 2026 YTD Actual	FY 2026 Amended Budget	Comments
FACILITIES, FURNITURE & OFFICE EQUIPMENT			
Breaker units and electrical panel upgrade in the building	\$ 79,630	\$ 79,630	As amended in April 2026
Heating & Cooling Thermostats	29,200	52,040	As amended in April 2026
Heating & Cooling Fan Boxes	-	118,980	As amended in April 2026
TOTAL FACILITIES, FURNITURE & OFFICE EQUIPMENT	\$ 108,830	\$ 250,650	
INFORMATION TECHNOLOGY			
Website, Application and Software Development:			
Website Rebuild (FY 2026 Phase)	\$ -	\$ 75,000	As amended in April 2026
Receivership /Interim Administrator Program Data Portal	3,747	31,600	
Bar Cards	6,380	-	
Michigan Bar Journal Upgrade	3,190	-	
Syn Portal for Windows	14,986	-	Servers migration
E-commerce Store	23,269	10,000	
E-commerce Events	33,360	32,460	
E-commerce License Fee Updates	16,348	40,600	
e-Services Application to Court e-Filing (mi-File)	336	20,000	
Firm Administration and Billing	-	11,000	
Legal Practitioner	28,233	-	
Server Migration	1,706		
Website Functionality Enhancements	-	12,680	
Character & Fitness Module	-	34,800	
Volunteer Application Updates	-	19,140	
Consumer Portal (LRS)	2,426	17,400	
TOTAL INFORMATION TECHNOLOGY	\$ 133,980	\$ 304,680	
TOTAL CAPITAL EXPENDITURES	\$ 242,810	\$ 555,330	

**STATE BAR OF MICHIGAN
CLIENT PROTECTION FUND**

Unaudited and For Internal Use Only

**FINANCIAL REPORTS
April 30, 2026**

FY 2026

Note: License fee revenue is recognized
and budgeted as earned each month
throughout the year.

Client Protection Fund
Comparative Statement of Net Assets
April 30, 2026

Financial Row	As of Apr 2026		As of Mar 2026		Variance	Variance %	As of FY 2025
Assets							
Cash-Checking	\$	2,304	\$	15,758	\$ (13,454)	(85.4%)	\$ 5,537
Savings	\$	1,685	\$	1,717	\$ (32)	(1.9%)	\$ 90,972
Investments	\$	3,268,914	\$	3,265,973	\$ 2,941	0.1%	\$ 3,305,563
Account Receivable	\$	28,736	\$	21,761	\$ 6,975	32.1%	\$ 24,757
Due (To) From SBM	\$	(4,654)	\$	443	\$ (5,097)	(1,151.8%)	\$ (14,118)
Total Assets	\$	3,296,985	\$	3,305,652	\$ (8,667)	(0.3%)	\$ 3,412,711
Liabilities and Fund Balance							
Liabilities							
Claims Payable	\$	55,024	\$	26,409	\$ 28,616	108.4%	\$ -
Deferred Revenue	\$	263,025	\$	314,529	\$ (51,504)	(16.4%)	\$ 115,381
Total Liabilities	\$	318,049	\$	340,937	\$ (22,888)	(6.7%)	\$ 115,381
Fund Balance Beginning of Year	\$	3,297,330	\$	3,297,330	\$ -	0.0%	\$ 3,125,627
Net Income (Expense) Year to Date	\$	(318,394)	\$	(332,615)	\$ 14,221	(4.3%)	\$ 171,703
Total Fund Balance	\$	2,978,936	\$	2,964,715	\$ 14,221	0.5%	\$ 3,297,330
Total Liabilities and Fund Balance	\$	3,296,985	\$	3,305,652	\$ (8,667)	(0.3%)	\$ 3,412,711

**Client Protection Fund
Income Statement
April 30, 2026**

Financial Row	CY (Oct 2025 - Apr 2026)		PY (Oct 2024 - Apr 2025)		Variance
Income					
License Fees	\$	365,022	\$	361,536	\$ 3,487
Other Operating Revenues					
42965 - Claims Recovery	\$	11,862	\$	15,311	\$ (3,449)
42966 - Claims Recovery Collection Fees	\$	(896)	\$	(894)	\$ (3)
42970 - Contributions Received	\$	20,223	\$	8,195	\$ 12,028
40055 - Pro Hac Vice Fees	\$	9,705	\$	8,040	\$ 1,665
Total - Other Operating Revenues	\$	40,894	\$	30,652	\$ 10,242
Total Income	\$	405,916	\$	392,188	\$ 13,728
Expenses					
65285 - Bank Service Fees	\$	344	\$	245	\$ 99
69060 - SBM Administrative/Service Fees	\$	158,081	\$	153,300	\$ 4,781
71005 - Claims Payments	\$	638,319	\$	547,381	\$ 90,938
Total Expenses	\$	796,744	\$	700,926	\$ 95,818
Investment Income					
49010 - Interest & Dividends	\$	12,188	\$	7,233	\$ 4,955
49015 - Gain or Loss on Investment JPM Brokerage	\$	60,246	\$	75,705	\$ (15,459)
Total Investment Income	\$	72,434	\$	82,938	\$ (10,504)
Increase or Decrease in Net Posisiton	\$	(318,394)	\$	(225,801)	\$ (92,593)
Net Position, Beginning of Year	\$	3,297,330	\$	3,125,627	\$ 171,703
Net Position, End of Period	\$	2,978,936	\$	2,899,827	\$ 79,110

Monthly SBM Attorney and Affiliate Report - April 30, 2026

FY 2026

	September 30 2018	September 30 2019	September 30 2020	September 30 2021	September 30 2022	September 30 2023	September 30 2024	September 30 2025	April 30 2026	FY Increase (Decrease)
Attorneys and Affiliates In Good Standing										
Active	42,342	42,506	42,401	42,393	42,395	41,985	41,427	41,430	41,241	(189)
Less than 50 yrs serv	40,973	41,036	40,559	40,504	40,680	40,115	39,399	39,222	38,822	(400)
50 yrs or greater	1,369	1,470	1,842	1,889	1,715	1,870	2,028	2,208	2,419	211
Voluntary Inactive	1,169	1,139	1,192	1,097	1,072	1,106	1,262	1,195	1,162	(33)
Less than 50 yrs serv	1,142	1,105	1,149	1,055	1,030	1,059	1,217	1,151	1,113	(38)
50 yrs or greater	27	34	43	42	42	47	45	44	49	5
Emeritus	2,204	2,447	2,727	3,033	3,306	3,733	4,245	4,597	4,914	317
Total Attorneys in Good Standing	45,715	46,092	46,320	46,523	46,773	46,824	46,934	47,222	47,317	95
Fee-paying Attorneys (Active & Inactive less than 50 yrs of Serv)	42,115	42,141	41,708	41,559	41,710	41,174	40,616	40,373	39,935	(438)
Affiliates										
Legal Administrators	10	10	8	5	2	2	4	4	4	-
Legal Assistants	401	393	317	219	214	194	195	210	240	30
Total Affiliates in Good Standing	411	403	325	224	216	196	199	214	244	30
Total Attorneys and Former Attorneys in the Database										
State Bar of Michigan Attorney and Affiliate Type	September 30 2018	September 30 2019	September 30 2020	September 30 2021	September 30 2022	September 30 2023	September 30 2024	September 30 2025	April 30 2026	FY Increase (Decrease)
Attorneys in Good Standing:							(558)			
ATA (Active)	42,342	42,506	42,401	42,393	42,395	41,985	41,427	41,430	41,241	(189)
ATVI (Voluntary Inactive)	1,169	1,139	1,192	1,097	1,072	1,106	1,262	1,195	1,162	(33)
ATE (Emeritus)	2,204	2,447	2,727	3,033	3,306	3,733	4,245	4,597	4,914	317
Total Attorneys in Good Standing	45,715	46,092	46,320	46,523	46,773	46,824	46,934	47,222	47,317	95
Attorneys Not in Good Standing:										
ATN (Suspended for Non-Payment of Dues)	6,072	6,246	6,416	6,472	6,588	6,824	7,065	7,159	7,443	284
ATDS (Discipline Suspension - Active)	439	440	445	449	454	456	466	478	476	(2)
ATDI (Discipline Suspension - Inactive)	19	24	25	25	25	25	27	29	29	-
ATDC (Discipline Suspension - Non-Payment of Court Costs)	15	16	16	14	14	15	15	15	14	(1)
ATNS (Discipline Suspension - Non-Payment of Other Costs)	95	98	100	102	106	104	111	110	110	-
ATS (Attorney Suspension - Other)*	1	1	2	-	-	-	-	-	-	-
ATR (Revoked)	583	596	613	623	634	645	647	660	664	4
ATU (Status Unknown - Last known status was inactive)**	2,070	2,070	2,070	2,070	2,047	2,047	2,047	2,047	2,047	-
Total Attorneys Not in Good Standing	9,294	9,491	9,687	9,755	9,868	10,116	10,378	10,498	10,783	285
Other:										
ATSC (Former special certificate)	155	157	158	164	167	170	173	175	178	3
ATW (Resigned)	1,689	1,798	1,907	2,036	2,143	2,282	2,428	2,574	2,685	111
ATX (Deceased)	9,287	9,524	9,793	10,260	10,664	10,958	11,212	11,594	11,769	175
Total Other	11,131	11,479	11,858	12,460	12,974	13,410	13,813	14,343	14,632	289
Total Attorneys in Database	66,140	67,062	67,865	68,738	69,615	70,350	71,125	72,063	72,732	669

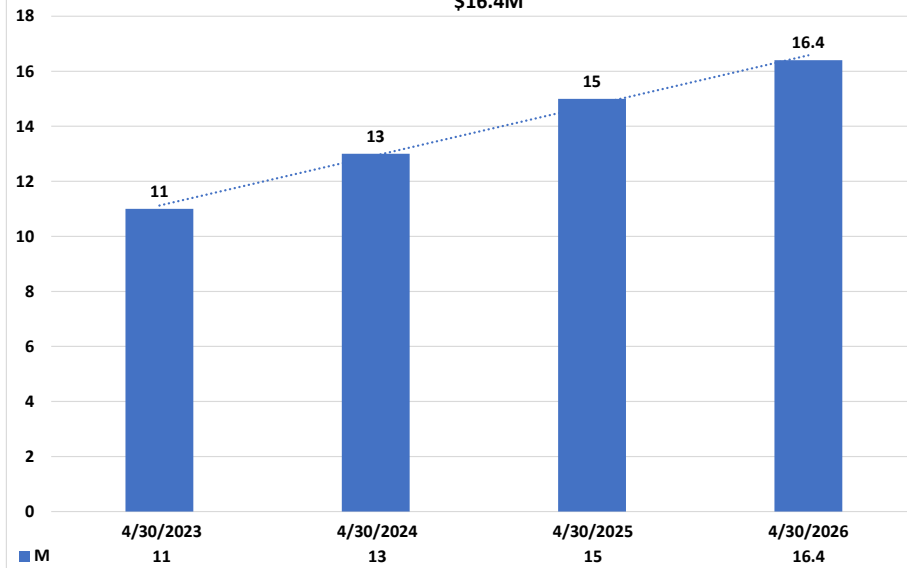
* ATS is a new status added effective August 2012 - suspended by a court, administrative agency, or similar authority

** ATU is a new status added in 2010 to account for approximately 2,600 attorneys who were found not to be accounted for in the iMIS database
The last known status was inactive and many are likely deceased. We are researching these attorneys to determine a final disposition.

N/R - not reported

Notes: Through April 30, 2026 a total of 671 new attorneys joined SBM, compared to 686 new attorneys who joined SBM through April 30, 2025.

State Bar of Michigan Cash & Investments
Excluding Sections, ADS, Client Protection Fund and Retiree Health Care Trust
For the Seven Months Ending April 30, 2026
\$16.4M



As of April 30, 2026, the cash and investment balance in the State Bar Admin Fund net of due to Sections, ADS, Client Protection Fund, and Retiree Health Care Trust was \$16,400,322.60 an increase of \$2,731,292.49 from the beginning of the year primarily due to collection of license fees and other revenues.

Summary of Cash and Investment Balances by Financial Institution

April 30, 2026

Bank Rating	Assets	Financial Institution	Amount	Interest Rate
		SBM Chase Checking	\$ 109,104	
		SBM Chase Credit Card	\$ 18,916	
		SBM Chase E Checking	\$ 3,300	
		SBM Chase Payroll	\$ (792)	
		ADS Chase Checking	\$ 21,356	
		ADS Chase Petty Cash	\$ 5,177	
		CPF Chase Checking	\$ 2,304	
4	\$3.8 trillion	** Chase Total	\$ 159,365	
		SBM Horizon Bank Money Market	\$ 3	
		SBM Horizon ICS	\$ 555,676	3.35%
5	\$6.4 billion	Horizon Bank Total w/CD	\$ 555,679	
		SBM Fifth Third Commercial Now	\$ 3,387	
5	\$214 billion	Fifth Third Total	\$ 3,387	
		MSUFCU Savings & MM	\$ 5	0.05%
		MSUFCU Checking	\$ 10,924	
		MSUFCU Total	\$ 10,929	
4	\$8.4 billion	MSUFCU Total w/CDs	\$ 1,717,254	
		CASE Cr Un	\$ 5	
5	\$0.4 billion	CASE Cr Un Total w/CD	\$ 59,267	
		Grand River Bank	\$ -	
5	\$0.5 billion	Grand River Bank Total w/CD	\$ 766,316	
		MI Schools & Govt Cr Un	\$ 5	
5	\$4.3 billion	MI Schools & Govt Cr Un w/CD	\$ 974,622	
		FNBA	\$ -	
4	\$6.7 billion	FNBA Total w/CDs	\$ 1,482,624	
		SBM Flagstar Savings	\$ 2,237	2.45%
3	\$88 billion	Flagstar Total w/CD	\$ 202,237	
		SBM Flagstar ICS Checking	\$ 87,675	2.20%
		ADS Flagstar ICS Checking Account	\$ 3,910	2.20%
		CPF Flagstar ICS Checking	\$ 1,685	2.20%
		Flagstar Bank FDIC Insured with CDARS	\$ 6,209,792	

Fund Summary	
Client Protection Fund	\$ 3,272,903
State Bar Admin Fund (including Sections)	\$ 19,962,372
Attorney Discipline System	\$ 5,968,714
SBM - Retiree Health Care Trust	\$ 5,259,303
ADB - Retiree Health Care Trust	\$ 1,821,263
AGC - Retiree Health Care Trust	\$ 5,456,730
Total	\$ 41,741,284

State Bar Admin Fund Summary

Cash and Investments	\$ 19,962,372
Less:	
Due (to)/from Sections	\$ (3,554,248)
Due (to)/from ADS	\$ (12,455)
Due (to)/from CPF	\$ 4,654
Due to Sections and CPF	\$ (3,562,049)
Net Administrative Fund	\$ 16,400,323
SBM Average Weighted Yield:	3.70%
ADS Average Weighted Yield:	3.66%
CPF Average Weighted Yield:	3.83%

Notes:

- All amounts are based on reconciled book balance and interest rates as of
- Actual unreconciled Chase balance per statements was \$202,649.34(**).
- Funds held in bank accounts are FDIC insured up to \$250,000 per bank.
- ICS and CDARS are invested in multiple banks up to the FDIC limit for each bank and are FDIC insured.
- Bank star rating from Bauer Financial.
- Average weighted yields exclude retiree health care trusts.
- Funds held in SBM Entities Trust with Schwab are invested in Tbills and government money market funds (3%), bond mutual funds 34%, and equity mutual funds (63%). Not FDIC insured.

Asset size & ratings from Bauer Financial were updated on 3/20/26 (based on 12/31/25 data)

SBM US Treasuries & Gov Money Market		Amount	Interest Rates	Maturity
	912797TR8 \$	649,290	4.17%	05/12/26
	91282CHB0 \$	367,981	4.17%	05/15/26
	912797TT4 \$	309,228	3.48%	05/26/26
	91282CKS9 \$	275,201	4.93%	05/31/26
	912797QX8 \$	323,668	3.55%	06/11/26
	912797TD9 \$	505,556	3.45%	06/18/26
	912797TE7 \$	244,636	3.44%	06/25/26
	91282CCJ8 \$	437,910	3.63%	06/30/26
	912797UN5 \$	248,324	3.54%	07/07/26
	91282CHM6 \$	245,396	3.59%	07/15/26
	91282CLB5 \$	500,811	4.30%	07/31/26
	91282CHU8 \$	597,080	3.82%	08/15/26
	91282CLH2 \$	588,991	3.62%	08/31/26
	91282CHY0 \$	246,810	3.59%	09/15/26
	91282CLP4 \$	424,558	3.89%	09/30/26
	912797SA6 \$	221,570	3.50%	10/01/26
	91282CLS8 \$	571,002	4.10%	10/31/26
	91282CKA8 \$	469,316	3.51%	02/15/27
	91282CMV0 \$	300,300	3.88%	03/31/27
	91282CMY4 \$	295,894	3.58%	04/30/27
	91282CNE7 \$	250,186	3.89%	05/31/27
	91282CNL1 \$	314,742	3.75%	06/30/27
	91282CNV9 \$	249,268	3.63%	08/31/27
	91282CPL9 \$	496,152	3.48%	11/30/27
	US Gov MM Fund - SXX \$	626,840	3.26%	
SBM US Treasuries & Gov Money Market Total \$		9,760,710		
CPF US Treasuries & Gov Money Market		Amount	Interest Rates	Maturity
	912797QN0 \$	249,677	4.06%	05/14/26
	912797QX8 \$	149,385	4.07%	06/11/26
	91282CLB5 \$	350,568	4.30%	07/31/26
	912797RG4 \$	287,193	3.78%	08/06/26
	912797UD7 \$	159,767	3.52%	03/18/27
	91282CMV0 \$	209,209	3.88%	03/31/27
	91282CNE7 \$	800,594	3.95%	05/31/27
	91282CNL1 \$	249,795	3.95%	06/30/27
	US Gov MM Fund - GXX \$	226,254	3.11%	
CPF US Treasuries & Gov Money Market Total \$		2,682,441		

ADS US Treasuries & Gov Money Market	Amount	Interest Rates	Maturity
912797QN0 \$	314,592	4.03%	05/14/26
912797SW8 \$	253,320	3.62%	05/28/26
91282CKS9 \$	399,292	3.57%	05/31/26
912797UB1 \$	298,395	3.53%	06/23/26
912797UP0 \$	297,787	3.55%	07/14/26
91282CLB5 \$	330,535	3.98%	07/31/26
912797RG4 \$	495,160	3.78%	08/06/26
91282CLH2 \$	296,995	3.60%	08/31/26
91282CLP4 \$	199,792	3.89%	09/30/26
91282CLS8 \$	200,352	4.10%	10/31/26
91282CMH1 \$	327,907	3.74%	01/31/27
91282CNE7 \$	250,186	3.88%	05/31/27
91282CNL1 \$	199,836	3.75%	06/30/27
91282CNV9 \$	249,268	3.63%	08/31/27
US Gov MM Fund - SXX \$	516,876	3.26%	
ADS US Treasuries & Gov Money Market Total \$	4,630,294		

US Treasuries & Gov Money Market Total \$ 17,073,445 -
(not FDIC insured)

CDARS			
Financial Institution	Amount	Interest Rates	Maturity
SBM Flagstar CDARS \$	300,000	3.74%	06/04/26
SBM Flagstar CDARS \$	467,950	3.54%	09/25/26
SBM Flagstar CDARS \$	300,000	3.54%	10/08/26
SBM Flagstar CDARS \$	350,000	3.62%	12/04/26
SBM Flagstar CDARS \$	325,000	3.47%	01/14/27
SBM Flagstar CDARS \$	500,000	3.60%	01/14/27
SBM Flagstar CDARS \$	500,000	3.53%	01/13/28
SBM Flagstar CDARS \$	762,043	3.74%	02/03/28
SBM Flagstar CDARS \$	265,605	3.62%	02/17/28
SBM Flagstar CDARS \$	451,475	3.62%	02/17/28
CPF Flagstar CDARS \$	60,000	3.58%	05/07/26
CPF Flagstar CDARS \$	103,989	3.54%	09/25/26
CPF Flagstar CDARS \$	100,000	3.54%	10/08/26
CPF Flagstar CDARS \$	110,000	3.44%	11/19/26
CPF Flagstar CDARS \$	212,484	3.62%	02/17/28
ADS Flagstar CDARS \$	350,000	3.74%	06/04/26
ADS Flagstar CDARS \$	207,978	3.54%	09/25/26
ADS Flagstar CDARS \$	250,000	3.56%	02/18/27
ADS Flagstar CDARS \$	300,000	3.60%	03/04/27
ADS Flagstar CDARS \$	200,000	3.62%	02/18/28
CDARS Total \$	6,116,522		

CDs		Amount	Interest Rates	Maturity
Financial Institution				
SBM-FNBA	\$	261,312	4.20%	05/29/26
SBM-FNBA	\$	261,312	4.20%	05/31/26
SBM-FNBA	\$	250,000	4.05%	05/31/26
SBM-CD MSU Federal Credit Union	\$	271,191	4.00%	06/02/26
SBM-CD MSU Federal Credit Union	\$	282,543	4.00%	06/02/26
SBM-CD MSU Federal Credit Union	\$	282,543	4.00%	06/02/26
SBM-CD MSU Federal Credit Union	\$	282,543	4.00%	06/02/26
SBM-FNBA	\$	250,000	4.29%	10/29/26
SBM-FNBA	\$	250,000	3.95%	10/29/26
SBM-FNBA	\$	210,000	4.29%	10/31/26
SBM-Flagstar	\$	200,000	3.77%	11/12/26
SBM-Grand River	\$	261,314	3.83%	03/22/27
SBM-Grand River	\$	250,000	3.83%	03/22/27
MI Schools & Govt Cr Un	\$	200,000	4.05%	04/14/27
MI Schools & Govt Cr Un	\$	516,244	4.05%	04/16/27
MI Schools & Govt Cr Un	\$	258,373	4.05%	04/24/27
SBM-Grand River	\$	255,003	3.95%	04/30/27
SBM-CASE Credit Union	\$	59,262	3.50%	07/08/27
SBM-CD MSU Federal Credit Union	\$	587,506	3.70%	08/12/27
CDs Total	\$	5,189,144		
Total Cash & Investments	\$	29,203,989		
Total Amount of Cash and Investments not FDIC-insured	\$	21,014,262	72.0%	
(includes Tbills and Gov MM held at JPM)				
SBM Entities Retiree Healthcare Trust (Schwab)				
SBM - Ret Healthcare Trust	\$	5,259,303		
ADB - Ret Healthcare Trust	\$	1,821,263		
AGC - Ret Healthcare Trust	\$	5,456,730		
SBM Entities Retiree Healthcare Trust Total	\$	12,537,295		
Total Investments	\$	41,741,284		

2.5. Strategic Planning and Engagement - Section Bylaw Amendments*

Presented by Thomas H. Howlett



To: Board of Commissioners

From: Robinjit Eagleson

Date: June 12, 2026

Re: Proposed Bylaws Amendments: Aviation Law Section

Rule 12, Section 2 of the Rules concerning the State Bar of Michigan states as follows:

Each section shall have bylaws not inconsistent with these Rules or the bylaws of the State Bar of Michigan. Section bylaws or amendments thereof shall become effective when approved by the Board of Commissioners.

Upon review of the materials submitted by the section, staff has determined that the section has complied with all procedural requirements for proposing bylaws amendments in accordance with the procedures set forth in the section's current bylaws. The only remaining action is approval of the proposed amendments by this body. Attached are excerpts from the section's current bylaws, redlined to reflect the proposed revisions.

Staff further confirm that none of the proposed amendments conflict with the Supreme Court Rules or the Bylaws of the State Bar of Michigan. Accordingly, staff recommend that the proposed amendments be approved.

The Strategic Planning and Engagement Committee met on Tuesday, May 19, 2026, and unanimously approved forwarding the attached proposed bylaws from the Aviation Law Section to the Board of Commissioners for consideration.



INNERMARKER

NEWSLETTER OF THE STATE BAR OF MICHIGAN'S AVIATION LAW SECTION

Volume 13, No. 1

www.michbar.org/sections/aviation

Dean Greenblatt, Section Chair

April 2024

News from the Section Chair

By Dean G. Greenblatt, Chair

Contents

News from the Section Chairperson	1
Proposed Bylaw Changes	2

Fellow Aviation Law Section Member,

It has been thirty-two years since the Section's Bylaws were revised. In that time, a need arose to update certain provisions. A bylaws committee was established to suggest amendments and submit them for review by your nine-member Section Council. The Section Council has recently voted to submit proposed revised bylaws to Section members for consideration. The current bylaws require publication of the proposed revision at least 120 days before our annual meeting. It is anticipated that our next annual meeting will take place in early December, 2024.

The principal bylaw changes include (1) permitting a modification to our annual dues as determined by the Section Council; (2) reducing at-large council members from four to two; (3) permit remote attendance for the purposes of establishing a quorum of the Council or membership and permit voting by email; and, (4) removing the requirement to hold our annual meeting at the same time and place as the Annual Meeting of the State Bar (which generally no longer occurs at a physical location).

Please consider the proposed revisions and vote yea/nay at our next annual meeting.

Thank you,
Dean G. Greenblatt, Chair

**BYLAWS OF THE
AVIATION LAW SECTION
OF THE STATE BAR OF MICHIGAN**

**ARTICLE I
NAME AND PURPOSES**

SECTION 1. This Section shall be known as the Aviation Law Section of the State Bar of Michigan.

SECTION 2. The purposes of this section shall be to research, educate, share, and disseminate information about legal matters concerning aviation in all its aspects.

**ARTICLE II
MEMBERSHIP**

SECTION 1. Each member of the Section shall pay annual dues of Twenty-five Dollars (\$25), **or any amount established by the Aviation Law Section Council.** Any member of the State Bar of Michigan, upon request to the Executive Director of the State Bar of Michigan and upon payment of dues for the current fiscal year, shall be enrolled as a member of the Section. Thereafter, the annual Section dues shall be paid in advance each year beginning on the first day of the fiscal year next succeeding such enrollment. Members so enrolled and whose dues are so paid shall constitute the membership of the Section. Any member of the Section whose annual dues shall be more than six (6) months past due shall thereupon automatically cease to be a member of the Section.

SECTION 2. Newly admitted members of the State Bar of Michigan, upon written request, shall become members of the Section for the balance of the fiscal year in which application is made, without payment of dues to the Section, if such written request is made during the first year of membership in the State Bar of Michigan.

SECTION 3. Law student members of the State Bar of Michigan may become nonvoting members of the Section upon payment of annual dues equal to one-half that paid by active members. Law student members shall be entitled to receive Section publications as provided other members and attend meetings of the Section.

**ARTICLE III
OFFICERS AND COUNCIL MEMBERS**

SECTION 1. The officers of this Section shall be the Chairperson, Chairperson-Elect, Secretary, Treasurer. Except as provided in Article V, Section 2, no person shall serve as Chairperson for two consecutive terms.

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SECTION 2. There shall be a Section Council consisting of ~~nine (9)~~ **seven (7)** voting members, including the immediate past Chairperson ("Chairperson Emeritus"), current Chairperson, Chairperson-Elect, Secretary, and Treasurer, all of whom shall be members of the Section, together with ~~four~~ **two (2)** other council members (**at large**) who shall be elected by the Section as hereinafter provided. **The members at large are full voting members of the Council, and shall serve in any capacity as needed by the Council.** The Chairperson Emeritus shall remain a voting member of the Council for one (1) year immediately following the expiration of his or her term as Chairperson.

SECTION 3. Except as provided in Article XI, Section 5, the Chairperson-Elect, Secretary, and Treasurer shall be elected at each annual meeting of the Section to hold office for a term beginning at the close of the annual meeting at which they shall have been elected and ending at the close of the next succeeding annual meeting of the Section (and until their successors shall have been elected and qualified). At the end of his or her term in office, the Chairperson-Elect, provided he or she is still in office and still a member of the Council, shall automatically succeed to the position of Chairperson for a term of one (1) year.

SECTION 4. Except as provided in Article XI, Section 5, at each annual meeting of the Section, prior to election of Council members, one (1) member of the Section shall be elected to serve as Chairperson-Elect for a term of one (1) year, one (1) member of the Section shall be elected to serve as Secretary for a term of one (1) year, and one (1) member of the Section shall be elected to serve as Treasurer for a term of one (1) year.

SECTION 5. The terms of the ~~four (4)~~ **two (2) at large** Council members shall be staggered so that at each annual meeting of the Section, ~~two (2)~~ **one** member of the Council shall be elected to succeed ~~the two (2) one member~~ whose term **has** expired. Except as provided in Article III, Section 6, no person shall be eligible for re-election to again serve as an officer or a member of the Council if that person has served seven (7) consecutive years as a member of the Council immediately preceding the term for which the election is held.

SECTION 6. Except as provided in Article V, Section 2, the Council may appoint any member of the Section as an officer or a council member to act until the next election in the event of death, disability, removal, or resignation of any officer or council member.

ARTICLE IV NOMINATION AND ELECTION OF OFFICERS AND COUNCIL MEMBERS

SECTION 1. NOMINATION. ~~At least four (4) months~~ Prior to the annual meeting, the Chairperson, with the advice of the Chairperson-Elect, shall appoint a Nominating Committee consisting of three (3) members of the Section. The Nominating Committee shall make and report nominations to the Section for the offices of Chairperson-Elect, Secretary, Treasurer, and members of the Council, to succeed those whose terms will expire at the close of the next annual

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meeting and to fill vacancies then existing for unexpired terms. The Nominating Committee shall ~~provide a written report of its proceedings~~, including without limitation the names, qualifications, and addresses of all nominees selected by the Committee, ~~not less than thirty (30) days~~ prior to the annual meeting. Other nominations for the same offices may be made from the floor at the annual meeting. The qualifications of all nominees shall be presented to the members of the Section at the annual meeting. In selecting nominees, the Nominating Committee shall consider the need for representation on the Council of members with differing responsible legal viewpoints and who reside in various geographic areas of the state.

SECTION 2. ELECTIONS. All elections shall be by voice vote or a show of hands at the annual meeting of the Section unless otherwise ordered by resolution duly adopted by the Section at the annual meeting at which the election is held.

ARTICLE V DUTIES OF OFFICERS

SECTION 1. CHAIRPERSON. The Chairperson shall preside at all meetings of the Section and of the Council. The Chairperson shall formulate and present at each Annual Meeting of The State Bar of Michigan a report of the work of the Section for the then past year. The Chairperson shall perform such other duties and acts as usually pertain to the office.

SECTION 2. CHAIRPERSON-ELECT. The Chairperson-Elect shall assist the Chairperson in the performance of his or her duties as the Chairperson may request. Upon the death, resignation, or disability of the Chairperson, or upon his or her refusal to serve, the Chairperson-Elect shall perform the duties of the Chairperson for the remainder of the Chairperson's term or, in the case of the Chairperson's disability or refusal to act, for the duration of such disability or refusal to serve. The Chairperson-Elect shall preside at all meetings of the Section and of the Council in the absence of the Chairperson. In the event of a vacancy in the office of Chairperson, the Chairperson-Elect shall become the Chairperson and shall serve in that capacity for the term of both the vacancy and the period of time he or she normally would have served as Chairperson.

SECTION 3. SECRETARY. The Secretary shall be the custodian of all books, records, papers, documents, and other property of the Section. He or she shall keep a true record of the proceedings of all meetings of the Section and of the Council. The Secretary shall provide each Council member with a copy of the minutes of the most recent meetings of the Section or of the Council. Together with the Chairperson, the Secretary shall prepare the Section's Annual Report. In the absence of both the Chairperson and Chairperson-Elect, the Secretary shall preside at meetings of the Council. The Secretary, in conjunction with the Chairperson, as authorized by the Council shall attend generally to the business of the Section.

SECTION 4. TREASURER. The Treasurer shall keep a true record of all monies received and disbursed and shall report thereon to the Council whenever requested. Annually he or she shall submit a financial report for presentation to the membership of the Section. Consistent with the

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Bylaws of the State Bar of Michigan, he or she shall be responsible for forwarding all monies of the Section which come into his or her hands to the bookkeeping department at the State Bar Headquarters in Lansing for deposit and credit to the account of the Section. Further, unless waived on a meeting-by-meeting basis by vote of the Council, the Treasurer shall present a current financial report at each meeting of the Council.

ARTICLE VI DUTIES AND POWERS OF THE COUNCIL

SECTION 1. The Council shall have general supervision and control of the affairs of the Section, subject to the provisions of the Bylaws of the Section and the Bylaws of the State Bar of Michigan. It shall specifically authorize all commitments or contracts, which shall entail the payment of money, and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section. It shall not, however, without prior approval of the State Bar Board of Commissioners, authorize commitments or contracts which shall entail the payment of more money during any fiscal year than the total of: (a) the amount received in Section dues for such fiscal year; and (b) any unexpended and uncommitted funds remaining in the Section treasury from prior years.

SECTION 2. The Council, during the interim between annual meetings of the Section, may fill vacancies in its own membership or in the offices of Chairperson Emeritus, Chairperson-Elect, Secretary, Treasurer, or--in the event of a vacancy in both the office of Chairperson and Chairperson-Elect--then in the offices of Chairperson and Chairperson-Elect. Members of the Council and officers so appointed shall serve until the close of the next annual meeting of the Section at which meeting the vacancies shall be filled by the regular elections as provided in Article IV herein.

SECTION 3. Regular meetings of the Council shall be held at times and locations to be determined by the Chairperson. ~~At least four (4) regular meetings of the Council shall be held in each fiscal year.~~

SECTION 4. Special meetings of the Council may be called by the Chairperson or a majority of the voting members of the Council at such times and places as either may determine.

SECTION 5. Five (5) voting members of the Council ~~physically present~~, **either in person or remotely**, shall constitute a quorum at both regular and special meetings of the Council.

SECTION 6. The Council shall act pursuant to a majority of those present at regular and special meetings of the Council or pursuant to the provisions of Section 7 of this Article.

SECTION 7. The Chairperson of the Section at any time may, and upon the request of any three ~~(2)~~ (3) voting members of the Council shall, submit or cause to be submitted in writing, to each of the members of the Council, any proposition upon which the Council may be authorized to act; and the members of the Council may vote upon such proposition or propositions so submitted by communicating their vote thereon in writing **or email** over their respective signatures to the Secretary, who shall record upon the minutes each proposition so submitted; when, how, and at whose request it was submitted; and the vote of each member of Council thereon; and he or she shall retain on file such written and signed votes. Action supported by a majority of the entire Council with respect to a proposition submitted in that manner shall constitute binding action of the Council.

ARTICLE VII COMMITTEES

SECTION 1. The Council may authorize the creation of standing committees. Each standing committee shall consist of Section members appointed in accordance with this Section and shall perform such duties and exercise such powers as the Council may direct, subject to the limitations of these Bylaws and the Bylaws of the State Bar of Michigan. The Chairperson shall appoint the members of each standing committee and shall appoint a Chairperson and Vice-Chairperson of each standing committee. The Chairperson may remove, and upon direction from the Council shall remove, the Chairperson or Vice-Chairperson of any standing committee. The Chairperson shall have the authority to appoint a Section member to fill any vacancy occurring on a standing committee.

SECTION 2. The Chairperson shall have the authority to create ad hoc committees for such purposes as the Chairperson may determine, subject to the authority and control of the Council. The members and officers of an ad hoc committee shall consist of such Section members as the Chairperson may designate and appoint. The Chairperson may remove, and upon direction from the Council shall remove, the Chairperson or Vice-Chairperson of any ad hoc committee. The Chairperson shall have the authority, subject to the authority and control of the Council, to abolish any such committee.

SECTION 3. A standing or ad hoc Section committee created pursuant to this Article shall have the authority, subject to the provisions of these Bylaws, to establish meeting schedules and rules of procedure to govern its operations.

ARTICLE VIII SECTION MEETINGS

SECTION 1. The annual meeting of the Section shall be held **within the time parameters directed by the State Bar of Michigan**, ~~during and at the same place as the Annual Meeting of the State Bar of Michigan~~ and shall include such programs and order of business as may be arranged by the Council.

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SECTION 2. Special meetings of the Section may be called by a majority of voting members of the Council at such times and places as the Council may determine.

SECTION 3. ~~Ten (10)~~ **Five (5)** members of the Section ~~physically~~ present at any Section meeting, **either in person or remotely**, shall constitute a quorum for the transaction of business.

SECTION 4. All actions of the Section other than the amendment of the Bylaws shall be taken pursuant to a majority vote of the members present.

ARTICLE IX MISCELLANEOUS PROVISIONS

SECTION 1. The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

SECTION 2. All debts incurred by the Section, before being forwarded to the Treasurer or to the Executive Director of the State Bar of Michigan for payment, shall first be approved by the Chairperson or the Treasurer; or, if the Council shall so direct, by both of them.

SECTION 3. No salary or compensation of any kind shall be paid to any Officer, Council member, or Committee member. This provision does not prevent the Council from authorizing reimbursement for approved expenses.

SECTION 4. These Bylaws shall become effective upon their adoption by the Section and the approval thereof by the Board of Commissioners of the State Bar of Michigan.

ARTICLE X AMENDMENTS

SECTION 1. These Bylaws may be amended at any annual meeting of the Section by a two-thirds (2/3) vote of the members of the Section ~~physically~~ present and voting, **either in person or remotely**, provided there is a quorum, **as set forth in Article VIII, Section 3**; and provided further that any such proposed amendment shall first have been submitted to the Council for its **review and recommendations**; and provided further that no amendment so adopted shall become effective until approved by the Board of Commissioners of the State Bar of Michigan.

SECTION 2. Amendments of these Bylaws may be proposed by the Council or may be proposed by nine (9) or more members of the Section in the form of a signed petition which must be submitted to the Council for its review and recommendation at least one hundred twenty (120) days prior to the annual meeting of the Section at which the amendment is to be considered. Any proposed amendment of these Bylaws must be published in the Michigan Bar Journal or Section newsletter at least **thirty (30)** days prior to the annual meeting of the Section at which the amendment is to be considered.

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ARTICLE XI ORGANIZATIONAL MEETING

SECTION 1. The organizational meeting of this Section will be held on May 19, 1992, at the State Bar headquarters in Lansing, Michigan.

SECTION 2. All active members of the State Bar of Michigan who have submitted a written commitment to join the Section shall receive a written notice of the time and place of the organizational meeting. All active members who have paid their Section dues at or before the organizational meeting shall be designated Founding Members and shall be eligible to vote at the meeting.

SECTION 3. The purpose of the organizational meeting is to adopt a set of Bylaws for the Section and to elect officers and Council members to serve until the annual meeting in 1993, at which time new elections will be held.

SECTION 4. Donald C. Frank is designated to serve as the Organizing Chairperson upon the conclusion of the organizational meeting at which time a Chairperson will be elected. Donald C. Frank is authorized to appoint an Aviation Section Formation Committee, which shall prepare a list of nominations for the Officers and members of the Section Council to be elected at the organizational meeting. Other nominations for the same offices may be made from the floor at the organizational meeting.

SECTION 5. At the organizational meeting of the Section, one (1) member shall be elected to serve in each of the following offices: Chairperson Emeritus, Chairperson, Chairperson-Elect, Secretary, and Treasurer. The officers elected at the organizational meeting will serve in office until the close of the 1993 annual meeting at which time new elections will be held pursuant to the relevant provisions of the Bylaws.

SECTION 6. At the organizational meeting, four (4) Council members shall be elected. The terms of office shall be staggered so that two (2) Council members shall be elected at each annual meeting commencing in 1993. At the organizational meeting, two (2) of the four (4) Council members shall be elected to serve in office until the close of the 1993 annual meeting. The other two (2) of the four (4) Council members shall be elected to serve in office until the close of the 1994 annual meeting.

Created 1992
Revised 5/03/92
Revised ____/____/2024

3. Upcoming Events

Presented by Lisa J. Hamameh and Peter
Cunningham

4. President's and Executive Director's Report

Presented by Lisa J. Hamameh and Peter
Cunningham

4.1. Michigan Supreme Court Commissions Updates

4.2. 2026 SBM Officer Election Update

4.3. 2026 SBM Election Update

4.4. Staff Updates

4.5. Closed Discussion: Proposed
Contract (contract will be added to
Convene prior to the meeting)

5. Representative Assembly Report

Presented by Nicole A. Evans

6. Young Lawyers Section Report

Presented by Jacob G. Eccleston

7. Public Policy

Presented by Erika L. Bryant

7.1. Legislation*



To: Members of the Public Policy Committee
Board of Commissioners

From: Nathan A. Triplett, Director of Governmental Relations

Date:

Re: House Bill 5281 – Third-Party Litigation Funding Transparency Act

Background

House Bill 5281 would create the Third-Party Litigation Funding Transparency Act. The new act would mandate disclosure of consumer litigation funding transactions and contracts and establish regulations governing such transactions and contracts. It would also require certain funding companies to register with the Department of Insurance and Financial Services. The substance of House Bill 5281 is described in greater detail in the attached memorandum from the House Fiscal Agency.

HB 5281 was introduced by Rep. Mike Harris in November 2025 and referred to the House Judiciary Committee. The bill was reported with recommendation by that Committee on April 15, 2026. It was subsequently referred to the House Rules Committee, which then reported the bill with recommendation and an (H-4) substitute on April 30, 2026. HB 5281 was approved by the full House by a vote of 60-45 on May 12, 2026. The bill has been referred to the Senate Regulatory Affairs Committee.

The legislation is supported by state business interests, as well as national business lobbies, including the American Tort Reform Association and the US Chamber Institute for Legal Reform. It is opposed by the Michigan Association for Justice.

***Keller* Considerations**

Opponents of the Third-Party Litigation Funding Transparency Act argue that it will create a barrier to access to justice for individuals who are unable to afford the expense of litigating their legal claims on their own. While the act does not prohibit third-party litigation financing, it will impose new regulations that may limit the operation of such financing companies in Michigan and thereby decrease the availability of this sort of financial support for plaintiff's litigation. Legislation that may price a population of litigants out of pursuing their claims is reasonably related—and therefore germane—to the availability of legal services to society.

Proponents and opponents of the Third-Party Litigation Funding Transparency Act both acknowledge that the legislation would impact court functioning in Michigan. For their part, proponents argue that the proposed act will improve transparency in legal proceedings by providing relevant information to both the court and parties. They also argue that registration and disclosure requirements will protect consumers (litigants) from unscrupulous financing companies. Opponents argue that the disclosure requirements of HB 5281 will force them to disclose trial strategy and may impair attorney-client relationships. In all of these respects, the legislation is reasonably related—and therefore germane—to the functioning of the courts.

Keller Quick Guide

THE TWO PERMISSIBLE SUBJECT-AREAS UNDER KELLER:

<i>As interpreted by AO 2004-1</i>	Regulation of Legal Profession	Improvement in Quality of Legal Services
	Regulation and discipline of attorneys	✓ Improvement in functioning of the courts
	Ethics	Availability of legal services to society
	Lawyer competency	
	Integrity of the Legal Profession	
	Regulation of attorney trust accounts	

Staff Recommendation

House Bill 5281 is reasonably related to both the availability of legal services to society and functioning of the courts and therefore *Keller*-permissible. The bill may be considered on its merits.

**SUBSTITUTE FOR
HOUSE BILL NO. 5281**

A bill to regulate third-party litigation funding transactions; to require disclosures in those transactions; to establish the responsibilities of litigation funding companies and of attorneys; to require registration of litigation funding companies; to impose fees; to provide for the powers and duties of state governmental officers and entities; to prescribe civil fines and to provide remedies; and to require and allow the promulgation of rules.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "third-party litigation
2 funding transparency act".

3 Sec. 3. As used in this act:

4 (a) "Advertise" means publish or disseminate a written, oral,

1 electronic, or printed communication or a communication by means of
2 recorded telephone messages or transmitted or broadcast on radio,
3 television, the internet, or similar communications media,
4 including audio recordings, film strips, motion pictures, and
5 videos, published, disseminated, circulated, or placed before the
6 public, directly or indirectly, for the purpose of inducing a
7 consumer to enter into a consumer litigation funding.

8 (b) "Charges" means the amount of money to be paid to the
9 consumer litigation funding company by or on behalf of the
10 consumer, above the funded amount provided by or on behalf of the
11 consumer litigation funding company to a consumer. Charges include
12 all administrative, origination, underwriting, or other fees,
13 including interest, no matter how denominated. Charges may not
14 exceed 36% annually.

15 (c) "Commercial litigation financier" means a person in the
16 business of entering into commercial litigation financing
17 agreements with claimants or with lawyers or law firms asserting
18 legal claims on behalf of claimants. Commercial litigation
19 financier does not include either of the following:

20 (i) A nonprofit organization that is exempt from federal income
21 tax under 26 USC 501(c)(3), or the nonprofit organization's
22 funders, if the nonprofit organization represents the claimant on a
23 pro bono basis, which may include an award of attorney fees to the
24 nonprofit organization or a related attorney.

25 (ii) A nonprofit organization that provides funding for
26 litigation without any requirement or expectation that the
27 nonprofit organization will receive any money or financial benefit
28 from the litigation or from a litigant or an attorney or law firm
29 that represents a litigant.

1 (d) "Commercial litigation financing agreement" means, subject
2 to subdivision (e), and with respect to a civil action or group of
3 civil actions, a written agreement to which either of the following
4 applies:

5 (i) Both of the following apply to the agreement:

6 (A) Under the agreement, a third party agrees to provide funds
7 to 1 of the named parties or a law firm affiliated with the action
8 or group of actions.

9 (B) The agreement creates a direct or collateralized interest
10 in the proceeds of a civil action or group of civil actions, by
11 settlement, verdict, judgment, or otherwise, which interest is
12 based in whole or in part on a funding-based obligation to the
13 action or group of actions or the appearing counsel, any
14 contractual co-counsel, or the law firm of the counsel or co-
15 counsel executed with any of the following:

16 (I) An attorney representing a party.

17 (II) A co-counsel in the litigation with a contingent fee
18 interest in the representation of that party.

19 (III) A third party who has a collateral-based interest in the
20 contingency fees of the counsel or co-counsel firm related in whole
21 or in part to the fees derived from representing that party.

22 (ii) The agreement, which may include an option, forward
23 contract, futures contract, short position, swap, or similar
24 contract, is substantially similar to a commercial litigation
25 financing agreement.

26 (e) Commercial litigation financing agreement does not include
27 any of the following:

28 (i) A consumer litigation funding agreement.

29 (ii) An agreement by an attorney or a law firm to provide legal

1 services on a contingency fee basis to a claimant or to advance the
2 claimant's legal costs in accordance with the Michigan rules of
3 professional conduct.

4 (iii) A health insurance plan or agreement under which a health
5 insurer, medical provider, or assignee has paid, is obligated to
6 pay, or is owed money for an individual's health care.

7 (iv) A loan made by a financial institution to a claimant or
8 the claimant's attorney or law firm if repayment is not contingent
9 on the outcome of the legal claim or on the outcome of any matter
10 within a portfolio that includes the legal claim and involves the
11 same attorney or law firm or affiliated attorney or law firm.

12 (v) A person with a preexisting contractual obligation to
13 indemnify or defend a party to a legal claim.

14 (f) "Consumer" means a natural person or estate for a decedent
15 with a legal claim.

16 (g) "Consumer litigation funding" means a nonrecourse
17 transaction in which a consumer litigation funding company
18 purchases and a consumer assigns to the company a contingent right
19 to receive an amount of the potential proceeds of a settlement,
20 judgment, award, or verdict obtained in the consumer's legal claim.

21 (h) "Consumer litigation funding company" means a person that
22 enters into a consumer litigation funding contract with a consumer.
23 Consumer litigation funding company does not include any of the
24 following:

25 (i) A family member of the consumer.

26 (ii) A bank, lender, financing entity, or other special purpose
27 entity to which either of the following applies:

28 (A) The person provides financing to a consumer litigation
29 funding company.

1 (B) A consumer litigation funding company grants to the person
2 a security interest, or transfers to the person any rights or
3 interest, in a consumer litigation funding.

4 (iii) An attorney or accountant who provides services to a
5 consumer.

6 (i) "Family member" means a spouse; parent; stepparent;
7 sibling; child by blood, adoption, or marriage; grandchild;
8 grandparent; descendant of a grandparent; or legal guardian.

9 (j) "Foreign country or person of concern" and "foreign
10 country of concern" mean a country or person that is either of the
11 following:

12 (i) A foreign government or person listed under 15 CFR 791.4.

13 (ii) A country designated as a threat to critical
14 infrastructure by the governor.

15 (k) "Foreign entity of concern" means an entity to which 1 or
16 more of the following apply:

17 (i) The entity is organized or incorporated in a foreign
18 country of concern.

19 (ii) The entity is owned or controlled by the government, a
20 political subdivision, or a political party of a foreign country of
21 concern.

22 (iii) The entity has a principal place of business in a foreign
23 country of concern.

24 (iv) The entity is owned, organized, or controlled by,
25 affiliated with, or acting on behalf of an individual or entity to
26 which either of the following applies:

27 (A) The individual or entity has been placed on a sanctions
28 list maintained by the federal Office of Foreign Assets Control,
29 including, but not limited to, any of the following:

1 (I) The Specially Designated Nationals and Blocked Persons
2 List, also known as the SDN list.

3 (II) The Foreign Sanctions Evaders List.

4 (III) The Non-SDN Iran Sanctions Act List.

5 (IV) The Sectoral Sanctions Identifications List.

6 (V) The List of Foreign Financial Institutions Subject to
7 Correspondent Account and Payable-Through Account Sanctions.

8 (B) The individual or entity has been designated by the United
9 States Secretary of State as a foreign terrorist organization.

10 (l) "Funded amount" means the amount of money provided to, or
11 on behalf of, the consumer in a consumer litigation funding
12 contract. Funded amount excludes charges.

13 (m) "Funding date" means the date on which the funded amount
14 is transferred to the consumer by the consumer litigation funding
15 company either by personal delivery or wire, ACH, or other
16 electronic means or is mailed by insured, certified, or registered
17 United States mail.

18 (n) "Legal claim" means a civil claim or cause of action.

19 (o) "Resolution date" means the date the funded amount, plus
20 the agreed-on charges, are delivered to the consumer litigation
21 funding company by the consumer or the consumer's attorney, or
22 otherwise.

23 Sec. 4. (1) A consumer litigation funding contract must meet
24 all of the following requirements:

25 (a) The contract must be written in a clear and coherent
26 manner using words with common, everyday meanings to enable the
27 average consumer who makes a reasonable effort under ordinary
28 circumstances to read and understand the terms of the contract
29 without having to obtain the assistance of a professional.

1 (b) The contract must be completely filled in when presented
2 to the consumer for signature.

3 (c) The contract must contain the initials of the consumer on
4 each page.

5 (d) The contract must contain a statement that there are no
6 fees or charges to be paid by the consumer other than what is
7 disclosed on the disclosure form.

8 (e) If the consumer seeks more than 1 litigation funding
9 contract from the same company, the contract must contain a
10 statement that provides the cumulative amount due from the consumer
11 for all transactions, including charges under all contracts, if
12 repayment is made any time after the contracts are executed.

13 (f) The contract must contain a statement of the maximum
14 amount the consumer may be obligated to pay under the contract
15 other than in a case of material breach, fraud, or
16 misrepresentation by or on behalf of the consumer.

17 (g) The contract must clearly and conspicuously detail how
18 charges, including any applicable fees, are incurred or accrued.

19 (2) A consumer litigation funding contract must contain the
20 disclosures specified in this subsection, which constitute material
21 terms of the contract. Unless otherwise specified, the disclosures
22 must be typed in at least 12-point bold type font and be placed
23 clearly and conspicuously within the contract, as follows:

24 (a) On the front page under appropriate headings, language
25 specifying all of the following:

26 (i) The funded amount to be paid to the consumer by the
27 consumer litigation funding company.

28 (ii) An itemization of 1-time charges.

29 (iii) The maximum total amount to be assigned by the consumer to

1 the company, including the funded amount and all charges.

2 (iv) A payment schedule to include the funded amount and
3 charges, listing all dates and the amount due at the end of each
4 180-day period from the funding date, until the date the maximum
5 amount due to the company under the contract is paid.

6 (b) Within the body of the consumer litigation funding
7 contract, language stating all of the following:

8 (i) "Consumer's right to cancellation: you may cancel this
9 contract without penalty or further obligation within ten business
10 days after the funding date if you return to the consumer
11 litigation funding company the full amount of the disbursed funds."

12 (ii) "The consumer litigation funding company will have no role
13 in deciding whether, when, and how much the legal claim is settled
14 for, however, the consumer and consumer's attorney must notify the
15 consumer litigation funding company of the outcome of the legal
16 claim by settlement or adjudication before or on the resolution
17 date. The company may seek updated information about the status of
18 the legal claim but in no event must the company attempt to
19 interfere with, control, or influence the independent professional
20 judgment of the attorney in the handling of the legal claim or any
21 settlement of the legal claim."

22 (iii) In all capital letters in at least 12-point bold type font
23 contained within a box: "THE FUNDED AMOUNT AND AGREED-UPON CHARGES
24 MUST BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL CLAIM, AND MUST
25 BE PAID ONLY TO THE EXTENT THAT THERE ARE AVAILABLE PROCEEDS FROM
26 YOUR LEGAL CLAIM. YOU WILL NOT OWE (INSERT NAME OF THE CONSUMER
27 LITIGATION FUNDING COMPANY) ANYTHING IF THERE ARE NO PROCEEDS FROM
28 YOUR LEGAL CLAIM, UNLESS YOU HAVE VIOLATED ANY MATERIAL TERM OF
29 THIS CONTRACT OR YOU HAVE COMMITTED FRAUD AGAINST (INSERT NAME OF

1 CONSUMER LITIGATION FUNDING COMPANY)".

2 (c) Located immediately above the place on the contract where
3 the consumer's signature is required, in 12-point bold type font:
4 "Do not sign this contract before you read it completely. Do not
5 sign this contract if it contains any blank spaces. You are
6 entitled to a completely filled-in copy of the contract before you
7 sign this contract. You should obtain the advice of an attorney
8 before signing this contract. Depending on the circumstances, you
9 may want to consult a tax, public or private benefits planning, or
10 financial professional. You acknowledge that your attorney in the
11 legal claim has provided no tax, public or private benefit
12 planning, or financial advice regarding this transaction. You
13 further acknowledge that your attorney has explained the terms and
14 conditions of the consumer litigation funding contract.".

15 (3) A consumer litigation funding contract must contain a
16 written acknowledgment by the attorney retained by the consumer to
17 pursue the legal claim that attests to all of the following:

18 (a) The attorney has reviewed the disclosures required under
19 subsections (1) and (2) with the consumer.

20 (b) The attorney is, or, if applicable, is not, being paid on
21 a contingency basis under a written fee agreement.

22 (c) All proceeds of the legal claim will be disbursed via
23 either the trust account of the attorney or a settlement fund
24 established to receive the proceeds of the legal claim on behalf of
25 the consumer.

26 (d) The attorney is obligated to disburse funds from the legal
27 claim and take any other steps to ensure that the terms of the
28 litigation funding contract are fulfilled.

29 (e) The attorney has not received a referral fee or other

1 consideration from the consumer litigation funding company in
2 connection with the consumer litigation funding, nor will the
3 attorney receive such a fee or other consideration in the future.

4 (4) If the acknowledgment required under subsection (3) is not
5 provided by the attorney or firm retained by the consumer to pursue
6 the legal claim, the consumer litigation funding contract is void.
7 The consumer litigation funding contract remains valid and
8 enforceable if the consumer terminates the initial attorney or
9 retains a new attorney with respect to the legal claim.

10 (5) A copy of an executed consumer litigation funding contract
11 must be promptly delivered to the attorney retained by the consumer
12 to pursue the legal claim.

13 Sec. 5. (1) A consumer litigation funding company shall not do
14 any of the following:

15 (a) Pay or offer to pay a commission, referral fee, or other
16 form of consideration to an attorney, law firm, health care
17 provider, chiropractor, or physical therapist, or an employee of
18 any of these, for referring a consumer to the consumer litigation
19 funding company.

20 (b) Accept a commission, referral fee, rebate, or other form
21 of consideration from an attorney, law firm, health care provider,
22 chiropractor, or physical therapist, or an employee of any of
23 these.

24 (c) Give money or a gift, pay the cost of travel, or provide
25 anything of value to an attorney or law firm.

26 (d) Intentionally advertise false or misleading information
27 regarding the company's products or services.

28 (e) Refer, in furtherance of an initial legal funding, a
29 customer or potential customer to a specific attorney, law firm,

1 health care provider, chiropractor, or physical therapist, or an
2 employee of any of these. However, if a customer needs legal
3 representation, the company may refer the customer to a local or
4 state bar association referral service.

5 (f) Knowingly provide funding to a consumer who has previously
6 assigned or sold a portion of the consumer's right to proceeds from
7 a legal claim without first making payment for or purchasing a
8 prior unsatisfied consumer litigation funding company's entire
9 funded amount and contracted charges, unless a lesser amount is
10 otherwise agreed to in writing by the consumer litigation funding
11 companies, except that multiple companies may agree to
12 contemporaneously provide funding to a consumer if the consumer and
13 the consumer's attorney consent to the arrangement in writing.

14 (g) Make any decision, have any influence, or direct any
15 decisions with respect to the course of a legal claim, including
16 decisions in appointing or changing counsel, choice or use of
17 expert witnesses, litigation strategy, and settlement or other
18 resolution. The right to make all decisions regarding a legal claim
19 must remain solely with the claimant and the claimant's attorney or
20 law firm.

21 (h) Attempt to obtain a waiver of any remedy or right by the
22 consumer, including, but not limited to, the right to bring a civil
23 action in court and the right to have a civil action tried by a
24 jury. A consumer litigation funding contract must not contain a
25 provision requiring arbitration of any dispute.

26 (i) Knowingly pay or offer to pay for court costs, filing
27 fees, or attorney fees either during or after the resolution of the
28 legal claim, using funds from the consumer litigation funding
29 transaction.

1 (2) If a consumer litigation funding company exercises or
2 attempts to exercise any control or influence over a consumer's
3 claim that is not prohibited by subsection (1) or another provision
4 of this act, the consumer litigation funding company shall act as a
5 fiduciary with respect to the consumer's claim. Acting as a
6 fiduciary under this subsection requires all of the following:

7 (a) Acting in the best interests of the consumer, not the
8 consumer litigation funding company, including by avoiding any
9 conflicts of interest.

10 (b) If the consumer litigation funding company has custody of
11 any money of the consumer or pays out money on behalf of the
12 consumer, keeping or paying out the money carefully and with
13 diligence, not commingling the consumer's money with that of the
14 consumer litigation funding company, and keeping detailed and
15 accurate records.

16 (3) Notwithstanding any other provision of law, a prepayment
17 penalty or fee must not be charged or collected in connection with
18 a consumer litigation funding transaction. A prepayment penalty or
19 fee in a consumer litigation funding transaction is unenforceable.

20 (4) An attorney or law firm retained by a consumer to pursue a
21 legal claim shall not have a financial interest in a consumer
22 litigation funding company that offers consumer litigation funding
23 to the consumer.

24 (5) An attorney who has referred a consumer to the consumer's
25 retained attorney shall not have a financial interest in a consumer
26 litigation funding company that offers consumer litigation funding
27 to the consumer.

28 (6) An attorney shall not disclose confidential or privileged
29 information to a consumer litigation funding company without the

1 written consent of the consumer and in accord with any order of the
2 court in the litigation.

3 (7) A consumer litigation funding company shall not enter into
4 a consumer litigation funding contract directly or indirectly with
5 a foreign entity of concern or a foreign country or person of
6 concern.

7 Sec. 6. The contracted amount to be paid to a consumer
8 litigation funding company must be a predetermined amount based on
9 intervals of time from the funding date through the resolution
10 date, and must not be determined as a percentage of the recovery
11 from the legal claim.

12 Sec. 7. (1) Not later than 30 days after a written request, a
13 consumer shall disclose to any party to a legal claim and each
14 insurer that has a duty to defend whether the consumer has entered
15 into a consumer litigation funding contract.

16 (2) If a consumer enters into a consumer litigation funding
17 contract after responding to a request under subsection (1), the
18 consumer has a continuing obligation to disclose and shall disclose
19 this fact to the requesting person not later than 30 days after the
20 consumer enters into the contract.

21 (3) A consumer litigation funding contract, and all
22 participants or parties to the consumer litigation funding
23 contract, are presumed to be discoverable in a civil proceeding,
24 notwithstanding any agreement or provision with respect to
25 confidentiality. A consumer may seek to rebut this presumption.

26 (4) A consumer litigation funding transaction disclosed under
27 subsection (1) or (2) or a consumer litigation funding contract
28 discovered under subsection (3) are presumed to be inadmissible as
29 evidence. A party may seek to rebut this presumption.

1 Sec. 8. (1) Both of the following apply to a consumer
2 litigation funding company that violates any provision of this act
3 in a specific funding case:

4 (a) The company waives its right to recover both the funded
5 amount and any and all charges in the case.

6 (b) The company is liable for a civil fine of not more than
7 \$10,000.00 for each violation. A fine under this subdivision may be
8 recovered in a civil action brought by the attorney general.

9 (2) In an action by a consumer against a consumer litigation
10 funding company for a violation of this act, a prevailing consumer
11 is entitled to an award of an amount equal to 3 times the total of
12 the funded amount and any and all charges, or \$10,000.00, whichever
13 is greater. An award under this subsection is not subject to an
14 offset for any amount that would otherwise be owed by the consumer
15 to the consumer litigation funding company.

16 (3) This act does not restrict the exercise of powers of the
17 attorney general.

18 Sec. 9. (1) The contingent right to receive an amount of the
19 potential proceeds of a legal claim is assignable by a consumer to
20 a consumer litigation funding company.

21 (2) Only an attorney's lien related to the legal claim that is
22 the subject of the consumer litigation funding or Medicare or other
23 statutory liens related to the legal claim take priority over a
24 lien of the consumer litigation funding company.

25 Sec. 10. Communications between a consumer's attorney and a
26 consumer litigation funding company to allow the consumer
27 litigation funding company to ascertain the status of a legal claim
28 or a legal claim's expected value is not discoverable by a person
29 against which the legal claim is asserted or filed.

1 Sec. 11. (1) Subject to subsection (8), unless a consumer
2 litigation funding company or commercial litigation financier has
3 first registered with this state under this act, the company or
4 financier shall not engage in the business of consumer litigation
5 funding or commercial litigation financing agreements in this
6 state.

7 (2) An application for registration under this section must be
8 filed in the manner prescribed by the department of insurance and
9 financial services and must contain all the information required by
10 the department of insurance and financial services to make an
11 evaluation of the character and fitness of the applicant company or
12 financier, including, but not limited to, any beneficial ownership
13 interest exceeding 20%. The initial application must be accompanied
14 by a fee of \$10,000.00. A renewal registration must include a fee
15 of \$10,000.00. A registration must be renewed every 2 years and
16 expires on December 31.

17 (3) A certificate of registration may not be issued unless the
18 department of insurance and financial services on investigation
19 finds that the character and fitness of the applicant company or
20 financier, and of the officers and directors of the company or
21 financier, are such as to warrant belief that the business will be
22 operated honestly and fairly within the purposes of this act.

23 (4) The department of insurance and financial services shall
24 not issue a registration under this section to a foreign entity of
25 concern or a foreign country or person of concern.

26 (5) An applicant under this section shall also, at the time of
27 filing the application, file with the department of insurance and
28 financial services, if the department of insurance and financial
29 services so requires, a bond satisfactory to the department of

1 insurance and financial services in an amount not to exceed
2 \$10,000.00. At the option of the applicant, instead of a bond, the
3 applicant may post an irrevocable letter of credit. The terms of a
4 bond filed under this subsection must run concurrent with the
5 period during which the registration will be in effect. The bond
6 must provide that the registrant will faithfully conform to and
7 abide by this act and all rules promulgated under this act and will
8 pay to this state or any other person any amount of money that
9 becomes due to this state or to the person from the registrant
10 under this act during the period for which the bond is given.

11 (6) On written request, an applicant under this section is
12 entitled to a hearing on the question of the applicant's
13 qualifications for registration if either of the following applies:

14 (a) The department of insurance and financial services has
15 notified the applicant in writing that the application has been
16 denied.

17 (b) The department of insurance and financial services has not
18 issued a registration within 60 days after the application for the
19 registration was filed.

20 (7) A request for a hearing under subsection (6) may not be
21 made later than 15 days after the department has mailed a written
22 notice to the applicant that the application has been denied and
23 that states in substance the department of insurance and financial
24 services' findings supporting denial of the application.

25 (8) A consumer litigation funding company or commercial
26 litigation financier that registered with the department of
27 insurance and financial services after the effective date of this
28 act or the date on which the department of insurance and financial
29 services makes applications for registration under this section

1 available to the public, whichever is later, and before 180 days
2 after that date may engage in consumer litigation funding or
3 commercial litigation financing, as applicable, while the company's
4 application for registration under this section is pending approval
5 with the department of insurance and financial services. A funding
6 agreement entered into before the effective date of this act is not
7 subject to this act.

8 (9) A person shall not use any form of consumer litigation
9 funding contract or commercial litigation financing agreement in
10 this state unless it has been filed with the department of
11 insurance and financial services in accordance with the filing
12 procedures set forth by the director of insurance and financial
13 services. The filing procedures must designate a reasonable time
14 frame for this state to raise objections to any filed form.

15 (10) The director of the department of insurance and financial
16 services shall annually adjust the amount of the fees to be paid
17 under subsection (2) to reflect the change in the Consumer Price
18 Index in the preceding calendar year. The first adjustment under
19 this subsection must be made for fees to be paid in the calendar
20 year after the year in which this act takes effect. As used in this
21 subsection, "Consumer Price Index" means the annual average
22 Consumer Price Index for All Urban Consumers (CPI-U), all items in
23 U.S. city average, reported by the Bureau of Labor Statistics of
24 the United States Department of Labor.

25 Sec. 12. (1) A consumer litigation funding company or
26 commercial litigation financier that engages in business in this
27 state shall submit a report to the department of insurance and
28 financial services not later than December 31 of each year that
29 specifies all of the following:

1 (a) The number of litigation fundings by the company or
2 financier that year.

3 (b) A summation of funded amounts in dollars for that year.

4 (c) The annual percentage charged to each consumer or
5 commercial funding recipient if repayment was made that year.

6 (2) The department of insurance and financial services shall
7 make information received under this section available to the
8 public, in a manner that maintains the confidentiality of the name
9 of the companies, financiers, customers, and consumers, not later
10 than 30 days after the reports are submitted.

11 Sec. 13. (1) A commercial litigation financier shall not enter
12 into a commercial litigation financing agreement directly or
13 indirectly with a foreign entity of concern or a foreign country or
14 person of concern.

15 (2) A claimant or an attorney or law firm for a claimant or
16 affiliated attorney or law firm shall not disclose or share any
17 documents or information with a commercial litigation financier if
18 the documents are or the information is subject to a protective or
19 sealing order from a court.

20 (3) A commercial litigation financier shall not make any
21 decision, have any influence, or direct any decisions with respect
22 to the course of a legal claim, including decisions in appointing
23 or changing counsel, choice or use of expert witnesses, litigation
24 strategy, and settlement or other resolution. The right to make all
25 decisions regarding a legal claim remains solely with the claimant
26 and the claimant's attorney or law firm.

27 Sec. 14. (1) Except as otherwise stipulated or ordered by the
28 court, a claimant or the claimant's attorney shall, without
29 awaiting a discovery request, provide to all parties any commercial

1 litigation financing agreement at the time a legal claim is
2 asserted or commenced and any time thereafter that a commercial
3 litigation financing agreement is executed or amended. An insurer
4 that has or may have a duty to defend or indemnify a party to a
5 legal claim must be provided with the commercial litigation
6 financing agreement or any modifications or amendments to the
7 agreement.

8 (2) A commercial litigation financing agreement and all
9 participants or parties to the commercial litigation financing
10 agreement are permissible subjects of discovery in a legal claim.

11 Sec. 15. The department of insurance and financial services
12 may promulgate only those rules necessary to implement sections 11
13 and 12. Rules promulgated under this section must be promulgated
14 under the administrative procedures act of 1969, 1969 PA 306, MCL
15 24.201 to 24.328.

16 Sec. 16. This act applies to a consumer litigation funding or
17 commercial litigation financing agreement that is effectuated on or
18 after the effective date of this act.

Public Policy Position
HB 5281**Oppose****Explanation**

The Committee voted to oppose House Bill 5281. The Committee believes that the legislation will have a negative impact on access to justice by making it more difficult for individuals to bring meritorious claims in situations when they cannot afford to litigate in the absence of third-party financing. The Committee was concerned that the mandatory disclosure requirements would interfere with attorney-client relationships and require counsel to reveal trial strategy. Finally, the Committee was concerned that the burdensome fees and registration requirements set forth in the bill will erect a barrier to this sort of financial support being available in Michigan.

Position Vote:

Voted For position: 7

Voted against position: 2

Abstained from vote: 3

Did not vote (absence): 9

Keller-Permissibility Explanation

House Bill 5281 is reasonably related to both the availability of legal services to society and functioning of the courts and therefore *Keller*-permissible.

Contact Persons:

Garrett Burton

gburton@sado.org

Mira Edmonds

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**Public Policy Position
HB 5281****Oppose as Drafted****Explanation**

The Committee acknowledged that third-party litigation financing is a complex issue with numerous competing issues implicated, which has occasioned considerable debate at both the federal-level and numerous states. Ultimately, the Committee voted to oppose House Bill 5281 as drafted. In particular, the Committee was concerned that mandatory disclosure requirements would interfere with attorney-client relationships and require counsel to reveal trial strategy. It is the Committee's hope that by opposing the legislation as drafted, SBM can be a part of ongoing discussions to address these issues as the bill moves forward through the legislative process.

Position Vote:

Voted For position: 16

Voted against position: 2

Abstained from vote: 4

Did not vote (absence): 9

Keller-Permissible Explanation:

House Bill 5281 is reasonably related to both the availability of legal services to society and functioning of the courts and therefore *Keller*-permissible.

Contact Person:

Marla Linderman Richelew mrichelew@gmail.com

**Public Policy Position
HB 5281**

Oppose as Drafted

Explanation

The Committee voted to oppose House Bill 5281 as drafted due to concerns regarding the impact the legislation may have on access to justice for individuals dependent on third-party financing to bring their claims and a concern that mandatory disclosure requirements would interfere with attorney-client relationships and require counsel to reveal trial strategy.

Position Vote:

Voted For position: 13

Voted against position: 0

Abstained from vote: 2

Did not vote (absence): 5

Keller-Permissible Explanation:

House Bill 5281 is reasonably related to both the availability of legal services to society and functioning of the courts and therefore *Keller*-permissible.

Contact Person:

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THIRD-PARTY LITIGATION FUNDING TRANSPARENCY ACT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5281 (H-4) as reported from committee

Sponsor: Rep. Mike Harris

1st Committee: Judiciary

2nd Committee: Rules

Complete to 4-30-26

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5281 would create a new act, the Third-Party Litigation Funding Transparency Act, which would regulate third-party litigation funding transactions, require the disclosure of those transactions, and require certain third-party litigation funding companies to register with the Department of Insurance and Financial Services (DIFS). The proposed act would also prescribe the powers and duties of government officers and entities and provide for related sanctions and civil causes of action.

Consumer litigation funding

The bill would define *consumer litigation funding* as a nonrecourse transaction in which a *consumer litigation funding company* purchases—and a *consumer* assigns to the company—a contingent right¹ to receive an amount of the potential proceeds of a settlement, judgment, award, or verdict obtained in the consumer's *legal claim*.² While companies that are not party to a lawsuit are already permitted to enter into agreements to fund litigation in exchange for potentially recovering a portion of the proceeds if the consumer wins the case, current law does not expressly regulate these contracts.

Consumer litigation funding company would mean a person that enters into a consumer litigation funding contract with a consumer. It would not include any of the following:

- A *family member* of the consumer, defined as a spouse; parent; stepparent; sibling; child by blood, adoption, or marriage; grandchild; grandparent; descendant of a grandparent; or legal guardian of the consumer.
- A bank, lender, financing entity, or other special purpose entity to which either of the following applies:
 - The person provides financing to a consumer litigation funding company.
 - A consumer litigation funding company grants to the person a security interest, or transfers to the person any rights or interest, in a consumer litigation funding.
- An attorney or accountant who provides services to the consumer.

¹ In general, a *contingent right* is an interest, claim, or ownership that depends on a future event or action. As it relates to third-party litigation funding, the right of a consumer litigation funding company is contingent because the company has a valid claim to a portion of the proceeds *only if the consumer wins the case*.

² The contingent right to receive an amount of the potential proceeds of a legal claim would be *assignable* (contractually transferrable) by the consumer to the consumer litigation funding company. Under the bill, only an attorney's lien (related to the relevant claim), Medicare lien, or other statutory liens would take priority over the lien of a consumer litigation funding company.

Consumer would mean a *natural person*³ or estate for a decedent with a legal claim.

Consumer litigation funding contracts

Under the bill, consumer litigation funding contracts would have to meet all of the following requirements:

- The contract would have to be written in a clear and coherent manner using words with common, everyday meanings to enable an average consumer who makes a reasonable effort under ordinary circumstances to read and understand the terms of the contract without the assistance of a professional (i.e., an attorney).
- The contract would have to be completely filled in when presented to the consumer.
- The contract would have to contain the initials of the consumer on each page.
- The contract would have to contain a statement that there are no fees or *charges* to be paid by the consumer other than those disclosed on the disclosure form.
- If the consumer seeks more than one litigation funding contract from the same company, the contract would have to contain a statement that provides the cumulative amount due from the consumer for all transactions (including charges under all contracts) if repayment is made any time after the contracts are executed.
- The contract would have to contain a statement of the maximum amount the consumer may be obligated to pay under the contract, other than in a case of material breach, fraud, or misrepresentation by or on behalf of the consumer.
- The contract would have to clearly and conspicuously detail how charges, including any applicable fees, are incurred or accrued.

Charges would mean the amount of money to be paid to the consumer litigation funding company by or on behalf of the consumer *above* the funded amount provided by or on behalf of the company to a consumer, including all administrative, origination, underwriting, or other fees, including interest, no matter how denominated.⁴

In addition to the requirements above, consumer litigation funding contracts also would have to contain certain disclosures, which would constitute material terms of the contract. The following disclosures would have to be typed in at least 12-point bold type font and be placed clearly and conspicuously within the contract:

- On the front page under appropriate headings, language specifying all of the following:
 - The *funded amount* (the money contractually provided to or on behalf of the consumer, excluding charges) to be paid to the consumer by the consumer litigation funding company.
 - An itemization of one-time charges.
 - The maximum total amount to be assigned by the consumer to the consumer litigation funding company, including the funded amount and all charges.
 - A payment schedule to include the funded amount and charges, listing all dates and the amount due at the end of each 180-day period from the *funding date* (the date on which the funded amount is transferred to the consumer), until the date the maximum amount due to the company under the contract is paid.

³ *Natural person* means a living human being. This differs from the broader category of a *legal person*, which generally includes nonhuman entities such as corporations, estates and trusts, and government agencies.

⁴ Under the bill, charges could not exceed 36% annually.

- Within the body of the contract, language stating all of the following:
 - “Consumer’s right to cancellation: you may cancel this contract without penalty or further obligation within ten business days after the funding date if you return to the consumer litigation funding company the full amount of the disbursed funds.”
 - “The consumer litigation funding company will have no role in deciding whether, when, and how much the legal claim is settled for, however, the consumer and consumer's attorney must notify the consumer litigation funding company of the outcome of the legal claim by settlement or adjudication before or on the **resolution date**. The company may seek updated information about the status of the legal claim but in no event must the company attempt to interfere with, control, or influence the independent professional judgment of the attorney in the handling of the legal claim or any settlement of the legal claim.”
 - In all capital letters in at least 12-point bold type font contained within a box: “The funded amount and agreed-upon charges must be paid only from the proceeds of your legal claim, and must be paid only to the extent that there are available proceeds from your legal claim. You will not owe [Company] anything if there are no proceeds from your legal claim, unless you have violated any material term of this contract or you have committed fraud against [Company].”
- Located immediately above the place on the contract where the consumer’s signature is required, in 12-point bold type font: “Do not sign this contract before you read it completely. Do not sign this contract if it contains any blank spaces. You are entitled to a completely filled-in copy of the contract before you sign this contract. You should obtain the advice of an attorney before signing this contract. Depending on the circumstances, you may want to consult a tax, public or private benefits planning, or financial professional. You acknowledge that your attorney in the legal claim has provided no tax, public or private benefit planning, or financial advice regarding this transaction. You further acknowledge that your attorney has explained the terms and conditions of the consumer litigation funding contract.”

Resolution date would mean the date the funded amount, plus the agreed-on charges, are delivered to the consumer litigation funding company by the consumer or the consumer’s attorney, or otherwise.

Further, consumer litigation funding contracts would also have to contain a written acknowledgment by the attorney or firm retained by the consumer to pursue the legal claim attesting to all of the following:

- The attorney has reviewed the disclosures with the consumer.
- The attorney is (or is not) being paid on a contingency basis under a written fee agreement.
- All proceeds of the legal claim will be disbursed via either the trust account of the attorney or a settlement fund established to receive the proceeds of the legal claim on behalf of the consumer.
- The attorney is obligated to disburse funds from the legal claim and take any other steps to ensure that the terms of the contract are fulfilled.

- The attorney has not received a referral fee or other consideration from the consumer litigation funding company in connection with the consumer litigation funding, nor will the attorney receive such a fee or consideration in the future.

If the above acknowledgment is not provided by the consumer's retained attorney or firm, the consumer litigation funding contract would be void. A contract would still remain valid and enforceable if the attorney or firm retained for purposes of that specific legal claim changes. The bill also would require that a copy of an executed contract be promptly delivered to the attorney retained by the consumer to pursue the legal claim.

Finally, the contracted amount to be paid to a consumer litigation funding company would have to be a predetermined amount based on intervals of time from the funding date through the resolution date and could not be based on a percentage of the recovery from the legal claim.

Disclosures and discoverability

Within 30 days after a written request, the bill would require a consumer to disclose whether the consumer has entered into a consumer litigation funding contract to any party to a legal claim and to each insurer that has a duty to defend. If a consumer enters into a contract *after* responding to a written request, the consumer would have to disclose that information to the requesting person within 30 days after entering into the contract.

Under the bill, communications between a consumer's attorney and a consumer litigation funding company to allow the company to ascertain the status of a legal claim, or of a legal claim's expected value, would not be discoverable by a person against which the legal claim is asserted or filed.

All participants or parties to a consumer litigation funding contract, as well as the contract itself, would be presumed to be discoverable in a civil proceeding, notwithstanding any agreement or provision in the contract with respect to confidentiality. A consumer could seek to rebut this presumption of discoverability under the provisions of the bill.

Further, a consumer litigation funding transaction disclosed by a consumer or a consumer litigation funding contract discovered in a civil proceeding would be presumed to be inadmissible as evidence. A party could seek to rebut this presumption under the provisions of the bill.

Restrictions on consumer litigation funding companies

Under the bill, consumer litigation funding companies would be prohibited from doing any of the following:

- Paying or offering to pay a commission, referral fee, or other form of consideration to an attorney, law firm, health care provider, chiropractor, or physical therapist (or an employee of any of these entities) for referring a consumer to the company.
- Accepting a commission, referral fee, rebate, or other form of consideration from an attorney, law firm, health care provider, chiropractor, or physical therapist (or an employee of any of these entities).
- Giving money or a gift, paying the cost of travel, or providing anything of value to an attorney or law firm.

- Intentionally **advertising**⁵ false or misleading information regarding the company's products or services.
- Referring, in furtherance of an initial legal funding, a customer or potential customer to a specific attorney, law firm, health care provider, chiropractor, or physical therapist (or an employee of any of these entities).⁶
- Knowingly providing funding to a customer who has previously assigned or sold a portion of the consumer's right to proceeds from a legal claim without first making payment for or purchasing a prior unsatisfied company's entire funded amount and contracted charges, unless a lesser amount is otherwise agreed to in writing by the companies.⁷
- Making any decision, having any influence, or directing any decisions with respect to the course of a legal claim, including decisions in appointing or changing counsel, choice or use of expert witnesses, litigation strategy, and settlement or other resolution. (Under the bill, the right to make all decisions regarding a legal claim would remain solely with the claimant and their attorney or law firm.)
- Including a provision requiring arbitration of any dispute in a consumer litigation funding contract or attempting to obtain a waiver of any remedy or right by the consumer, including, but not limited to, the right to bring a civil action in court and the right to have a civil action tried by a jury.
- Knowingly paying or offering to pay for court costs, filing fees, or attorney fees either during or after the resolution of the legal claim, using funds from the consumer litigation funding transaction.
- Charging or collecting any prepayment penalties or fees in connection with a consumer litigation funding transaction. (Under the bill, these would be unenforceable.)

Further, the bill would prohibit a consumer litigation funding company from entering into a consumer litigation funding contract directly or indirectly with a **foreign country or person of concern** or a **foreign entity of concern**.

Foreign country or person of concern would mean a country or person that is either of the following:

- A foreign government or person listed under 15 CFR 791.4.⁸
- A country designated as a threat to critical infrastructure by the governor.

Foreign entity of concern would mean an entity to which one or more of the following apply:

- The entity is organized or incorporated in a foreign country of concern.

⁵ **Advertise** would mean to publish or disseminate a written, oral, electronic, or printed communication or a communication by means of recorded telephone messages or transmitted or broadcast on radio, television, the internet, or similar communications media, including audio recordings, film strips, motion pictures, and videos, published, disseminated, circulated, or placed before the public, directly or indirectly, for the purpose of inducing a consumer to enter into a consumer litigation funding.

⁶ A consumer litigation funding company would still be allowed to refer a customer to a local or state bar association referral service if the customer needs legal representation.

⁷ A consumer and their attorney could consent, in writing, to an arrangement in which multiple consumer litigation funding companies agree to contemporaneously provide funding to the consumer.

⁸ <https://www.law.cornell.edu/cfr/text/15/791.4>

- The entity is owned or controlled by the government, a political subdivision, or a political party of a foreign country of concern.
- The entity has a principal place of business in a foreign country of concern.
- The entity is owned, organized, or controlled by, affiliated with, or acting on behalf of an individual or entity to which either of the following applies:
 - The individual or entity has been placed on a sanctions list maintained by the federal Office of Foreign Assets Control, including, but not limited to, any of the following:
 - The Specially Designated Nationals and Blocked Persons List.
 - The Foreign Sanctions Evaders List.
 - The Non-SDN Iran Sanctions Act List.
 - The Sectoral Sanctions Identifications List.
 - The List of Foreign Financial Institutions Subject to Correspondent Account and Payable-Through Account Sanctions.
 - The individual or entity has been designated by the United States Secretary of State as a foreign terrorist organization.

If a consumer litigation funding company exercises (or attempts to exercise) any control or influence over a consumer's claim that is *not* prohibited above, the company would have to act as a fiduciary with respect to the claim by doing the following:

- Acting in the best interests of the consumer, not the company, including by avoiding any conflicts of interest.
- If applicable, keeping or paying out the consumer's money carefully and with diligence, not comingling the consumer's money with the company's, and keeping detailed and accurate records.

Restrictions on attorneys

An attorney or law firm retained by a consumer to pursue a legal claim **or** an attorney who has referred a consumer to the consumer's retained attorney could not have a financial interest in a consumer litigation funding company that offers funding to the consumer. In addition, an attorney would be prohibited from disclosing confidential or privileged information to a consumer litigation funding company without the written consent of the consumer and in accord with any order of the court in the instant litigation.

Commercial litigation financing

The bill would also impose the following restrictions on *commercial litigation financiers* and *commercial financing agreements*:

- A commercial litigation financier could not enter into an agreement, directly or indirectly, with a foreign entity of concern or a foreign country or person of concern (as defined above).
- A claimant, an attorney or law firm for a claimant, or an affiliated attorney or law firm could not disclose or share any documents or information with a commercial litigation financier if the documents or information are subject to a protective or sealing order from a court.
- A commercial litigation financier could not make any decision, have any influence, or direct any decisions with respect to the course of the legal claim, decisions in appointing or changing counsel, choice or use of expert witnesses, litigation strategy,

or settlement or other resolution. (Under the bill, the right to make all decisions regarding a legal claim would remain solely with the claimant and the claimant's attorney or law firm.)

Except as otherwise stipulated or ordered by a court, a claimant or their attorney would have to provide any commercial litigation financing agreement to all parties at the time a legal claim is asserted or commenced and any time thereafter that an agreement is executed or amended, *without* awaiting a discovery request. An insurer that has (or may have) a duty to defend or indemnify a party to a legal claim would also have to be provided with the commercial litigation financing agreement or any modifications or amendments to the agreement. Further, all participants or parties to a commercial litigation financing agreement, as well as the agreement itself, would be permissible subjects of discovery in a legal claim under the bill.

Commercial litigation financier would mean a person in the business of entering into commercial litigation financing agreements with claimants or with lawyers or law firms asserting legal claims on behalf of claimants. It would **not** include either of the following:

- A nonprofit organization that is exempt from federal income tax under 26 USC 501(c)(3),⁹ or the nonprofit organization's funders, if the organization represents the claimant on a pro bono basis, which may include an award of attorney fees to the organization or a related attorney.
- A nonprofit organization that provides funding for litigation without any requirement or expectation that the organization will receive any money or financial benefit from the litigation or from a litigant or an attorney or law firm that represents a litigant.

Commercial financing agreement would mean a written agreement, with respect to a civil action or group of civil actions, to which either of the following applies:

- Both of the following apply to the agreement:
 - Under the agreement, a third party agrees to provide funds to one of the named parties or a law firm affiliated with the action or group of actions.
 - The agreement creates a direct or collateralized interest in the proceeds of an action or group of actions (by settlement, verdict, judgment or otherwise) which is based in whole or in part on a funding-based obligation to the action or group of actions or the appearing counsel, any contractual co-counsel, or the law firm of the counsel or co-counsel executed with any of the following:
 - An attorney representing the party.
 - A co-counsel in the litigation with a contingent fee interest in the representation of that party.
 - A third party who has a collateral-based interest in the contingency fees of the counsel or co-counsel firm related in whole or in part to the fees derived from representing that party.
- The agreement is substantially similar to a commercial litigation financing agreement. (The agreement could include an option, forward contract, futures contract, short position, swap, or similar contract.)

⁹ <https://www.law.cornell.edu/uscode/text/26/501>

Commercial financing agreement would *not* include any of the following:

- A consumer litigation funding agreement.
- An agreement by an attorney or a law firm to provide legal services on a contingency fee basis to a claimant or to advance the claimant's legal costs in accordance with the Michigan Rules of Professional Conduct.¹⁰
- A health insurance plan or agreement under which a health insurer, medical provider, or assignee has paid, is obligated to pay, or is owed money for an individual's health care.
- A loan made by a financial institution to a claimant or the claimant's attorney or law firm if repayment is not contingent on the outcome of the legal claim or on the outcome of any matter within a portfolio that includes the legal claim and involves the same attorney or law firm or affiliated attorney or law firm.
- A person with a preexisting contractual obligation to indemnify or defend a party to a legal claim.

Registration requirements and fees

The bill would require all consumer litigation funding companies and commercial litigation financiers to register with the Department of Insurance and Financial Services before engaging in consumer litigation funding or commercial financing agreements. A company or financier would have to submit all the information required by the DIFS to make an evaluation of the character and fitness of the applicant, including, but not limited to, any beneficial ownership interest exceeding 20%. All initial and renewal applications would be subject to a fee of \$10,000 and registrations would have to be renewed every two years.¹¹

In addition to the application materials and fee, DIFS could also require an applicant to submit a bond of \$10,000 or less, the terms of which would have to run concurrently with the period during which the registration would be in effect. The bond would have to provide that the registrant will faithfully conform to and abide by the proposed act and all relevant rules and will pay to the state or any other person any amount of money that becomes due to the state or person from the registrant under the act during the period for which the bond is given. (Alternatively, an applicant could choose to post an irrevocable letter of credit instead of a bond.)

DIFS could only issue a certificate of registration upon a finding that the character and fitness of the applicant (and of its officers and directors) are such as to warrant belief that the business will be operated honestly and fairly within the purposes of the proposed act. The department would be prohibited from issuing a registration to a foreign entity of concern or a foreign country or person of concern.

Companies and financiers that register with DIFS after the bill's effective date (or the date on which DIFS make applications available to the public) and within 180 days after that date

¹⁰ <https://www.courts.michigan.gov/492c94/siteassets/rules-instructions-administrative-orders/rules-of-professional-conduct/michigan-rules-of-professional-conduct.pdf>

¹¹ The bill would require the DIFS director to annually adjust the amount of registration fees to reflect the change in the Consumer Price Index in the preceding calendar year, occurring first in the calendar year after the year in which the bill would take effect. For the purposes of this calculation, "Consumer Price Index" refers to the annual average Consumer Price Index for All Urban Consumers: All Items in U.S. City Average (CPI-U), reported by the Bureau of Labor Statistics.

would be allowed to engage in consumer litigation funding or commercial litigation financing while the application is pending approval. Funding agreements entered into before the effective date of the bill would not be subject to its provisions.

Under the bill, a person could not use any form of consumer litigation funding contract or commercial litigation financing agreement in Michigan unless it is filed with DIFS in accordance with departmental procedures.

Reporting requirements

A consumer litigation funding company or commercial litigation financier that engages in business in Michigan would be required to submit a report to DIFS by December 31 of each year that includes all of the following:

- The number of litigation fundings by the company or financier that year.
- A summation of funded amounts in dollars for that year.
- The annual percentage charged to each consumer or commercial funding recipient if repayment was made that year.

Within 30 days of the registrant reports being submitted, DIFS would also be required to make that information available to the public in a manner that maintains the confidentiality of the names of the companies, financiers, customers, and consumers.

Hearings

On written request, an applicant described above would be entitled to a hearing on the question of the applicant's qualification for registration if either of the following apply:

- DIFS has notified the applicant in writing that the application has been denied.
- DIFS has not issued a registration within 60 days after the application was filed.

A request for a hearing could not be made more than 15 days after DIFS has mailed a written notice of denial to an applicant that states in substance the department's findings supporting denial of the application.

Administrative rules

The bill would authorize DIFS to promulgate, under the Administrative Procedures Act, only such rules as are necessary to implement the provisions described above under "Registration requirements and fees," Reporting requirements," and "Hearings."

Civil penalties

Both of the following would apply to a consumer litigation company that violates any provision of the proposed act in a specific funding case:

- The company waives its right to recover both the funded amount and any and all charges in the case.
- The company is liable for a civil fine of up to \$10,000 for each violation, which could be recovered in a civil action brought by the attorney general. (The proposed act would not restrict the exercise of the powers of the attorney general.)

Under the bill, a consumer could bring a civil action against a consumer litigation funding company for a violation of the proposed act. A prevailing consumer would be entitled to an award equal to three times the total of the funded amount and any and all charges or \$10,000,

whichever is greater, and that award would not be subject to an offset for any amount that would otherwise be owed by the consumer to the company.

Applicability

The proposed act would apply only to consumer litigation funding or commercial litigation financing agreements effectuated on or after the effective date of the bill.

BACKGROUND:

Third-party litigation funding (sometimes referred to as “legal financing” and “lawsuit lending”) generally involves a company that is *not* a party to a legal proceeding entering into a contract or agreement with a litigant to help fund litigation in exchange for the right to claim a portion of the proceeds from a successful legal claim. The two main types of third-party litigation funding—consumer litigation funding and commercial litigation financing—are similar in principle but differ in both scope and client base. While consumer litigation funding typically provides relatively small (\$5,000 to \$10,000) pre-settlement advances to individual plaintiffs to support their everyday expenses during the course of personal injury or tort litigation, commercial litigation financing is focused on providing significant capital to businesses and class action litigants to fund large-scale cases that often involve complex legal issues such as intellectual property, antitrust law, or breach of contract.

FISCAL IMPACT:

House Bill 5281 would have an indeterminate fiscal impact on the Department of Insurance and Financial Services. The bill would require DIFS to hire additional staff to review and process applications and agreements of litigation funding entities. An estimate for personnel and other associated costs is not available. The bill provides for application and renewal fees, though the amount of revenue DIFS would collect would depend on the number of entities that choose to be licensed.

Costs to local courts would depend on the number of civil actions brought in courts and the number of civil actions tried by juries. Also under the bill, a company would be liable for a civil fine of not more than \$10,000 for violating provisions of the bill. Revenue collected from payment of civil fines is used to support public and county law libraries. Also, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine would be required to be deposited into the state’s Justice System Fund, which supports various justice-related endeavors in the judicial branch and legislative branches of government and the Departments of State Police, Corrections, Health and Human Services, and Treasury. Because there is no practical way to determine the number of civil actions that will be brought or the number of civil fines that will be ordered, an estimate of the amount of additional revenue the state would collect, revenue for libraries, or costs to local courts cannot be made.

POSITIONS:

Representatives from the following entities testified in support of the bill (3-11-26):

- American Tort Reform Association
- Michigan Alliance for Legal Reform
- National Insurance Crime Bureau
- US Chamber, Institute for Legal Reform

The following entities indicated support for the bill:

- Associated Builders and Contractors of Michigan (4-30-26)
- Big I Michigan (3-11-26)
- Detroit Regional Chamber (3-11-26)
- The Doctors Company (4-30-36)
- Grand Rapids Chamber of Commerce (3-11-26)
- Home Builders Association of Michigan (4-15-26)
- Insurance Alliance of Michigan (4-30-26)
- Jackson County Chamber of Commerce (3-11-26)
- Life Insurance Association of Michigan (3-11-26)
- Michigan Alliance for Legal Reform (4-15-26)
- Michigan Bankers Association (3-11-26)
- Michigan Chamber of Commerce (4-30-26)
- Michigan Credit Union League (3-11-26)
- Michigan Farm Bureau (4-30-26)
- Michigan Forward Network (4-15-26)
- Michigan Health and Hospital Association (4-30-26)
- Michigan Manufacturers Association (4-30-26)
- Michigan Petroleum Association (3-11-26)
- Michigan Realtors (4-15-26)
- Michigan Restaurant and Lodging Association (4-15-26)
- Michigan Retailers Association (3-11-26)
- Midwest Independent Retailers Association (4-15-26)
- National Federation of Independent Business (4-30-26)
- Small Business Association of Michigan (4-30-26)
- The Doctors Company (3-11-26)
- Toyota (4-30-26)
- Uber (4-15-26)
- West Michigan Policy Forum (3-11-26)

The following entities indicated opposition to the bill:

- Alliance for Responsible Consumer Legal Funding (3-11-26)
- Michigan Association for Justice (4-30-26)

Legislative Analyst: Aaron A. Meek
Fiscal Analysts: Una Jakupovic
Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.



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Lansing, MI 48933

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nfib.com

To: The Honorable Members of the Michigan House Committee on Rules
Date: April 30, 2026
From: Amanda Fisher, NFIB Michigan State Director
Re: Support House Bill 5281 – Third Party Funding Transparency

On behalf of over 12,000 small business owners in Michigan, NFIB is writing to express its support for House Bill 5281 which would require reporting for those funding litigation in order to benefit financially.

One of the things that makes NFIB unique is that we base our member positions on a survey of our members. We give them background information, a pro, a con and then ask them what they think. When members were asked "Should Michigan require disclosure of third parties who are financing lawsuits?", **94% said YES.**

In Michigan and many states across the nation, TPLF operates with virtually no oversight. House Bill 5281 requires funder disclosure and registration, prohibits funder influence on case outcomes so justice remains the guiding compass, bans foreign adversaries from funding lawsuits, and caps funder earnings from awards.

Placing guardrails on TPLF is crucial to maintaining fairness and integrity in our justice system. Without this important legislation, small businesses may be subject to meritless lawsuits as a money-making scheme rather than actual accountability for wrongdoing. Small businesses are particularly vulnerable to unscrupulous investors as they are less able to afford drawn out legal battles, leading to increased prices that are passed on to the consumer, job losses, and even small business closures.

In addition, TPLF can be extremely predatory to plaintiffs. What's sold as a tool to "gain access to justice" can end up enabling a financier to receive 100% of a settlement intended for a plaintiff.

NFIB appreciates the House addressing this important issue to help provide additional transparency and fairness to Michigan's justice system and asks for your support for House Bill 5281.



To: Members of the Public Policy Committee
Board of Commissioners

From: Nathan A. Triplett, Director of Governmental Relations

Date: June 4, 2026

Re: HB 5907-5918; HB 5831 – Mandatory Minimum Sentences

Background

The Board of Commissioners has historically and consistently opposed mandatory minimum sentences for criminal offenses. For example, SBM opposed 2005 HB 4163, which would have imposed a mandatory minimum sentence for offenses related to fleeing and eluding a police or conservation officer. The Board's reasoning as to *Keller*-permissibility and the substance of that legislation were closely linked. The Board concluded, upon unanimous recommendation by the Criminal Jurisprudence & Practice Committee, that "judicial discretion in sentencing is an integral and vital component of a fair and just criminal justice system" and that eliminating judicial discretion by imposing mandatory minimum sentences would have a deleterious effect on the functioning of the courts.

In recent years, bills imposing mandatory minimum sentences have been exceedingly rare in the Michigan Legislature, likely due to the growing scholarly and professional consensus that these sentences are a significant driver of mass incarceration, that they exacerbate racial and economic disparities in the criminal legal system, and that there is little evidence to support the contention that such sentences deter criminal behavior or improve public safety. As a result, SBM has not had occasion of late to apply its prior public policy position opposing mandatory minimum sentencing in recent years.

HB 5907-5917 would establish mandatory minimum sentences of varying lengths for a litany of criminal offenses found in eleven different public acts. In several instances, the bills would also increase the statutory maximum sentence for an offense to life imprisonment. HB 5918 would amend the Code of Criminal Procedure, 1927 PA 175, to update the sentencing guidelines to reflect the substantive changes made by the other eleven bills in the package. The bills have been referred to the House Judiciary Committee for consideration.

HB 5831 would establish a mandatory minimum of 25 years imprisonment for the criminal offense of terrorism. The bill was reported with recommendation and with a substitute (H-1) from the House Judiciary Committee on May 13, 2026. It is presently on second reading on the House floor.

Also relevant to the Board's consideration of this bill package is the fact that for the first time since 2002 Michigan now has a Sentencing Commission in place, which has been charged by the Legislature with making data-driven recommendations for modifications to the existing sentencing guidelines. The Commission was established by 2023 HB 4173 and 4384 (now 2024 PA 273-274), which were supported by the Board of Commissioners. The Commission held its first full meeting on May 7,

2026. It has not yet had the opportunity to review or make recommendations as to the appropriate sentences for any of the offenses included in HB 5907-5918.

As with prior legislation in this vein, the Board of Commissioners is not being asked to consider what the appropriate sentence (or statutory maximum sentence) is for any given offense. Rather, the question before the Board is whether to apply its prior public policy position opposing mandatory minimum sentencing as such to the 2026 legislation.

***Keller* Considerations**

As noted above, the Board of Commissioners has previously determined that legislation imposing mandatory minimum sentences is *Keller*-permissible because it is germane (reasonably related) to the functioning of the courts. Specifically, the Board has previously reasoned that “judicial discretion in sentencing is an integral and vital component of a fair and just criminal justice system” and that imposing mandatory minimum sentences will eliminate such discretion and thereby have a deleterious effect on the functioning of the courts.

***Keller* Quick Guide**

THE TWO PERMISSIBLE SUBJECT-AREAS UNDER KELLER:

<i>As interpreted by AO 2004-1</i>	Regulation of Legal Profession	Improvement in Quality of Legal Services
	Regulation and discipline of attorneys	✓ Improvement in functioning of the courts
	Ethics	Availability of legal services to society
	Lawyer competency	
	Integrity of the Legal Profession	
	Regulation of attorney trust accounts	

Staff Recommendation

Imposing mandatory minimum sentences eliminates judicial discretion, which is integral to the proper functioning of courts. To the extent that HB 5907-5918 and HB 5831 impose such sentences, they are reasonably related to court functioning and therefore *Keller*-permissible. The bill package may be considered on its merits.

SUBSTITUTE FOR
HOUSE BILL NO. 5831

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 543f (MCL 750.543f), as amended by 2014 PA 23.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 543f. (1) A person is guilty of terrorism ~~when that~~ **if**
2 **the** person knowingly and with premeditation commits an act of
3 terrorism.

4 (2) ~~Terrorism~~ **A violation of subsection (1) is a felony**
5 punishable by imprisonment for life or any term of years, ~~or~~ **but**
6 **not less than 25 years. In addition, the court may impose** a fine of
7 not more than \$100,000.00. ~~or both.~~ However, except as provided
8 in sections 25 and 25a of chapter IX of the code of criminal
9 procedure, 1927 PA 175, MCL 769.25 and 769.25a, if death was caused



1 by the ~~terrorist act~~, **violation of subsection (1)**, the person ~~shall~~
2 **must** be punished by imprisonment for life without eligibility for
3 parole.

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

MANDATORY MINIMUM SENTENCE FOR ACTS OF TERRORISM

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5831 (H-1) as reported from committee
Sponsor: Rep. Donni Steele
Committee: Judiciary
Complete to 6-1-26

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5831 would amend the Michigan Anti-Terrorism Act¹ to establish a new mandatory minimum sentence of 25 years for acts of terrorism. Currently, a person who knowingly and with premeditation commits an *act of terrorism* is guilty of a felony punishable by imprisonment for life or any term of years,² a fine of up to \$100,000, or both. The bill would not alter these existing maximum penalties.

The act defines an *act of terrorism* as a willful and deliberate act that is all of the following:

- An act that would be a *violent felony*³ under the laws of this state, whether or not committed in this state.
- An act that the person knows or has reason to know is dangerous to human life.
- An act that is intended to intimidate or coerce a civilian population or influence or affect the conduct of government or a unit of government through intimidation or coercion.

The bill would take effect 90 days after being enacted.

MCL 750.543f

BACKGROUND:

The Michigan Anti-Terrorism Act was enacted in 2002, shortly after the September 11, 2001, terrorist attacks. In addition to criminalizing terrorist acts, the statute also includes penalties related to making terrorist threats or false reports of terrorism, providing or soliciting support for terrorist acts, and hindering the prosecution of terrorism. As of May 2026, at least 32 states and the District of Columbia maintain a specific domestic terrorism statute, in addition to federal laws such as the USA PATRIOT Act⁴ and other statutes codified under 18 USC Chapter 113B.⁵

¹ The [Michigan Anti-Terrorism Act](#) is Chapter LXXXIII-A of the Michigan Penal Code (MCL 750.543a to 750.543z).

² Section 543f also requires a mandatory sentence of life without eligibility for parole ("LWOP") if the terrorist act resulted in the death of one or more persons, subject to the juvenile LWOP restrictions in [MCL 769.25](#) and [769.25a](#).

³ The act defines *violent felony* as a felony in which an element is the use, attempted use, or threatened use of physical force against an individual or the use, attempted use, or threatened use of a harmful biological substance or device, harmful chemical substance or device, harmful radioactive substance or device, explosive device, or incendiary device.

⁴ <https://www.govinfo.gov/content/pkg/STATUTE-115/pdf/STATUTE-115-Pg272.pdf>

⁵ <https://www.law.cornell.edu/uscode/text/18/part-I/chapter-113B>

FISCAL IMPACT:

House Bill 5831 would have an indeterminate fiscal impact on the state but would not have a fiscal impact on local units. Under the bill, an individual who is convicted of committing an act of terrorism, knowingly and with premeditation, would be guilty of a felony punishable by imprisonment for a minimum of 25 years. To the extent that the bill results in an increase in the number of individuals sentenced to prison for a term of at least 25 years, the bill would result in increased costs related to state prisons and state parole supervision. In fiscal year 2025, the average cost of prison incarceration in a state facility was roughly \$48,100 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole supervision averaged about \$5,400 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. Because there is no practical way to determine the number of sentences that otherwise would have been less than 25 years, an estimate of the amount of costs related state prisons and state parole supervision cannot be made.

POSITIONS:

The Oakland County Sheriff's Office indicated support for the bill. (5-13-26)

The following entities indicated opposition to the bill (5-13-26):

- ACLU of Michigan
- Criminal Defense Attorneys of Michigan
- Safe and Just Michigan

Legislative Analyst: Aaron A. Meek
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

COUNTY OF OAKLAND

OFFICE OF THE SHERIFF

MICHAEL J. BOUCHARD



Dear Chair Lightner and Members of the Judiciary Committee:

On behalf of the Oakland County Sheriff's Office, I write in strong support of House Bills 5830 and 5831. These bills make targeted and necessary updates to Michigan law to better address terrorist threats, false reports of terrorism, and acts of terrorism that endanger lives, disrupt communities, and demand significant law enforcement and emergency response resources.

House Bill 5830 strengthens Michigan's terrorist threat statute by recognizing that a person who threatens to commit an act of terrorism and communicates that threat with reckless disregard for whether it will be viewed as threatening violence should be held accountable. In the real world, law enforcement cannot ignore these threats simply because a suspect later claims they lacked the intent or capability to carry them out. A threat can trigger school lockdowns, evacuations, major police responses, fear among families, and real disruption to public safety. This legislation gives law enforcement and prosecutors a clearer standard to address those situations before they escalate further.

House Bill 5831 appropriately reinforces the seriousness of knowingly and with premeditation committing an act of terrorism. Terrorism is intended not only to harm direct victims, but also to intimidate, destabilize, and spread fear throughout a community. The penalties reflected in this legislation are commensurate with the gravity of that conduct, particularly where a terrorist act results in the loss of life.

Together, these bills provide clarity, strengthen deterrence, and support the work of local law enforcement agencies responding to serious threats in schools, houses of worship, public buildings, businesses, and community gathering places. In Oakland County, we take these threats seriously because the consequences of hesitation or ambiguity can be catastrophic. Law enforcement must have effective tools to investigate, intervene, and protect the public.

For these reasons, I respectfully urge the members of the House Judiciary Committee to support House Bills 5830 and 5831 and advance them for consideration by the full House.

Respectfully,

Sheriff Michael J. Bouchard, C.H.P.P.
President Emeritus, Major County Sheriffs of America
National Sheriff of the Year 2025 MCSA
National Sheriff of the Year 2016 NSA
Michigan Sheriff of the Year 2022

HOUSE BILL NO. 5907

April 29, 2026, Introduced by Reps. St. Germaine, Hoadley, Wozniak, Pavlov and Bruck and referred to Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 601b, 602a, 617, and 625 (MCL 257.601b,
257.602a, 257.617, and 257.625), section 601b as amended by 2011 PA
60, section 602a as amended by 1999 PA 73, section 617 as amended
by 2005 PA 3, and section 625 as amended by 2021 PA 85.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 601b. (1) Notwithstanding any other provision of this
2 act, a person responsible for a moving violation in a work zone, at
3 an emergency scene, or in a school zone during the period beginning

1 30 minutes before school in the morning and through 30 minutes
2 after school in the afternoon, or in a school bus zone is subject
3 to a fine that is double the fine otherwise prescribed for that
4 moving violation.

5 (2) A person who commits a moving violation in a work zone or
6 a school bus zone for which not fewer than 3 points are assigned
7 under section 320a and as a result causes injury to another person
8 in the work zone or school bus zone is guilty of a misdemeanor
9 punishable by a fine of not more than \$1,000.00 or imprisonment for
10 not more than 1 year, or both.

11 (3) A person who commits a moving violation in a work zone or
12 school bus zone for which not fewer than 3 points are assigned
13 under section 320a and as a result causes death to another person
14 in the work zone or school bus zone is guilty of a felony
15 punishable by ~~a fine of not more than \$7,500.00 or by imprisonment~~
16 **for life or any term of years but not more-less than 15-5 years or**
17 **by a fine of not more than \$7,500.00, or both.**

18 (4) Subsections (2) and (3) do not apply if the injury or
19 death was caused by the negligence of the injured or deceased
20 person in the work zone or school bus zone.

21 (5) As used in this section:

22 (a) "Emergency scene" means a traffic accident, a serious
23 incident caused by weather conditions, or another occurrence along
24 a highway or street for which a police officer, firefighter, or
25 emergency medical personnel are summoned to aid an injured victim.

26 (b) "Moving violation" means an act or omission prohibited
27 under this act or a local ordinance substantially corresponding to
28 this act that occurs while a person is operating a motor vehicle,
29 and for which the person is subject to a fine.

1 (c) "School bus zone" means the area lying within 20 feet of a
2 school bus that has stopped and is displaying 2 alternately
3 flashing red lights at the same level, except as described in
4 section 682(2).

5 (d) "School zone" means that term as defined in section 627a.

6 Sec. 602a. (1) A driver of a motor vehicle who is given by
7 hand, voice, emergency light, or siren a visual or audible signal
8 by a police or conservation officer, acting in the lawful
9 performance of ~~his or her~~ **the officer's** duty, directing the driver
10 to bring ~~his or her~~ **the driver's** motor vehicle to a stop shall not
11 willfully fail to obey that direction by increasing the speed of
12 the motor vehicle, extinguishing the lights of the motor vehicle,
13 or otherwise attempting to flee or elude the officer. This
14 subsection does not apply unless the police or conservation officer
15 giving the signal is in uniform and the officer's vehicle is
16 identified as an official police or department of natural resources
17 vehicle.

18 (2) Except as provided in subsection (3), (4), or (5), an
19 individual who violates subsection (1) is guilty of fourth-degree
20 fleeing and eluding, a felony punishable by imprisonment for **life**
21 **or any term of years but** not ~~more~~ **less** than 2 years or a fine of
22 not more than \$500.00, or both.

23 (3) Except as provided in subsection (4) or (5), an individual
24 who violates subsection (1) is guilty of third-degree fleeing and
25 eluding, a felony punishable by imprisonment for **life or any term**
26 **of years but** not ~~more~~ **less** than ~~5~~ **4** years or a fine of not more
27 than \$1,000.00, or both, if 1 or more of the following
28 circumstances apply:

29 (a) The violation results in a collision or accident.

1 (b) A portion of the violation occurred in an area where the
2 speed limit is 35 miles an hour or less, whether that speed limit
3 is posted or imposed as a matter of law.

4 (c) The individual has a prior conviction for fourth-degree
5 fleeing and eluding, attempted fourth-degree fleeing and eluding,
6 or fleeing and eluding under a current or former law of this state
7 prohibiting substantially similar conduct.

8 (4) Except as provided in subsection (5), an individual who
9 violates subsection (1) is guilty of second-degree fleeing and
10 eluding, a felony punishable by imprisonment for **life or any term**
11 **of years but** not ~~more~~**less** than ~~10~~**6** years or a fine of not more
12 than \$5,000.00, or both, if 1 or more of the following
13 circumstances apply:

14 (a) The violation results in serious injury to an individual.

15 (b) The individual has 1 or more prior convictions for first-,
16 second-, or third-degree fleeing and eluding, attempted first-,
17 second-, or third-degree fleeing and eluding, or fleeing and
18 eluding under a current or former law of this state prohibiting
19 substantially similar conduct.

20 (c) The individual has any combination of 2 or more prior
21 convictions for fourth-degree fleeing and eluding, attempted
22 fourth-degree fleeing and eluding, or fleeing and eluding under a
23 current or former law of this state prohibiting substantially
24 similar conduct.

25 (5) If the violation results in the death of another
26 individual, an individual who violates subsection (1) is guilty of
27 first-degree fleeing and eluding, a felony punishable by
28 imprisonment for not more than 15 years or a fine of not more than
29 \$10,000.00, or both.

1 (6) A conviction under this section does not prohibit a
2 conviction and sentence under any other applicable provision,
3 except section 479a(2), (3), (4), or (5) of the Michigan penal
4 code, 1931 PA 328, MCL 750.479a, for conduct arising out of the
5 same transaction.

6 (7) As used in this section, "serious injury" means a physical
7 injury that is not necessarily permanent, but that constitutes
8 serious bodily disfigurement or that seriously impairs the
9 functioning of a body organ or limb. Serious injury includes, but
10 is not limited to, 1 or more of the following:

11 (a) Loss of a limb or use of a limb.

12 (b) Loss of a hand, foot, finger, or thumb or use of a hand,
13 foot, finger, or thumb.

14 (c) Loss of an eye or ear or use of an eye or ear.

15 (d) Loss or substantial impairment of a bodily function.

16 (e) Serious visible disfigurement.

17 (f) A comatose state that lasts for more than 3 days.

18 (g) Measurable brain damage or mental impairment.

19 (h) A skull fracture or other serious bone fracture.

20 (i) Subdural hemorrhage or hematoma.

21 Sec. 617. (1) The driver of a vehicle who knows or who has
22 reason to believe that ~~he or she~~ **the driver** has been involved in an
23 accident ~~upon~~ **on** public or private property that is open to travel
24 by the public shall immediately stop ~~his or her~~ **the driver's**
25 vehicle at the scene of the accident and shall remain there until
26 the requirements of section 619 are fulfilled or immediately report
27 the accident to the nearest or most convenient police agency or
28 officer to fulfill the requirements of section 619(a) and (b) if
29 there is a reasonable and honest belief that remaining at the scene

1 will result in further harm. The stop ~~shall~~**must** be made without
2 obstructing traffic more than is necessary.

3 (2) Except as provided in subsection (3), if the individual
4 violates subsection (1) and the accident results in serious
5 impairment of a body function or death, the individual is guilty of
6 a felony punishable by imprisonment for not more than 5 years or by
7 a fine of not more than \$5,000.00, or both.

8 (3) If the individual violates subsection (1) following an
9 accident caused by that individual and the accident results in the
10 death of another individual, the individual is guilty of a felony
11 punishable by imprisonment for **life or any term of years but** not
12 ~~more-less~~ than ~~15-5~~ years or a fine of not more than \$10,000.00, or
13 both.

14 Sec. 625. (1) A person, whether licensed or not, shall not
15 operate a vehicle on a highway or other place open to the general
16 public or generally accessible to motor vehicles, including an area
17 designated for the parking of vehicles, within this state if the
18 person is operating while intoxicated. As used in this section,
19 "operating while intoxicated" means any of the following:

20 (a) The person is under the influence of alcoholic liquor, a
21 controlled substance, or other intoxicating substance or a
22 combination of alcoholic liquor, a controlled substance, or other
23 intoxicating substance.

24 (b) The person has an alcohol content of 0.08 grams or more
25 per 100 milliliters of blood, per 210 liters of breath, or per 67
26 milliliters of urine or, beginning 5 years after the state
27 treasurer publishes a certification under subsection (28), the
28 person has an alcohol content of 0.10 grams or more per 100
29 milliliters of blood, per 210 liters of breath, or per 67

1 milliliters of urine.

2 (c) The person has an alcohol content of 0.17 grams or more
3 per 100 milliliters of blood, per 210 liters of breath, or per 67
4 milliliters of urine.

5 (2) The owner of a vehicle or a person in charge or in control
6 of a vehicle shall not authorize or knowingly permit the vehicle to
7 be operated on a highway or other place open to the general public
8 or generally accessible to motor vehicles, including an area
9 designated for the parking of motor vehicles, within this state by
10 a person if any of the following apply:

11 (a) The person is under the influence of alcoholic liquor, a
12 controlled substance, other intoxicating substance, or a
13 combination of alcoholic liquor, a controlled substance, or other
14 intoxicating substance.

15 (b) The person has an alcohol content of 0.08 grams or more
16 per 100 milliliters of blood, per 210 liters of breath, or per 67
17 milliliters of urine or, beginning 5 years after the state
18 treasurer publishes a certification under subsection (28), the
19 person has an alcohol content of 0.10 grams or more per 100
20 milliliters of blood, per 210 liters of breath, or per 67
21 milliliters of urine.

22 (c) The person's ability to operate the motor vehicle is
23 visibly impaired due to the consumption of alcoholic liquor, a
24 controlled substance, or other intoxicating substance, or a
25 combination of alcoholic liquor, a controlled substance, or other
26 intoxicating substance.

27 (3) A person, whether licensed or not, shall not operate a
28 vehicle on a highway or other place open to the general public or
29 generally accessible to motor vehicles, including an area

1 designated for the parking of vehicles, within this state when, due
 2 to the consumption of alcoholic liquor, a controlled substance, or
 3 other intoxicating substance, or a combination of alcoholic liquor,
 4 a controlled substance, or other intoxicating substance, the
 5 person's ability to operate the vehicle is visibly impaired. If a
 6 person is charged with violating subsection (1), a finding of
 7 guilty under this subsection may be rendered.

8 (4) A person, whether licensed or not, who operates a motor
 9 vehicle in violation of subsection (1), (3), or (8) and by the
 10 operation of that motor vehicle causes the death of another person
 11 is guilty of a crime as follows:

12 (a) ~~Except as provided in subdivisions (b) and (c), the~~ **The**
 13 person is guilty of a felony punishable by imprisonment for **life or**
 14 **any term of years but** not ~~more~~ **less** than ~~15~~ **5** years or a fine of
 15 not less than \$2,500.00 or more than \$10,000.00, or both. The
 16 judgment of sentence may impose the sanction permitted under
 17 section 625n. If the vehicle is not ordered to be forfeited under
 18 section 625n, the court shall order vehicle immobilization under
 19 section 904d in the judgment of sentence.

20 (b) If the violation occurs while the person has an alcohol
 21 content of 0.17 grams or more per 100 milliliters of blood, per 210
 22 liters of breath, or per 67 milliliters of urine, and within 7
 23 years of a prior conviction, the person is guilty of a felony
 24 punishable by imprisonment for **life or any term of years but** not
 25 ~~more~~ **less** than ~~20~~ **5** years or a fine of not less than \$2,500.00 or
 26 more than \$10,000.00, or both. The judgment of sentence may impose
 27 the sanction permitted under section 625n. If the vehicle is not
 28 ordered to be forfeited under section 625n, the court shall order
 29 vehicle immobilization under section 904d in the judgment of

1 sentence.

2 (c) If, at the time of the violation, the person is operating
3 a motor vehicle in a manner proscribed under section 653a and
4 causes the death of a police officer, firefighter, or other
5 emergency response personnel, the person is guilty of a felony
6 punishable by imprisonment for **life or any term of years but** not
7 ~~more-less~~ than ~~20-5~~ years or a fine of not less than \$2,500.00 or
8 more than \$10,000.00, or both. This subdivision applies regardless
9 of whether the person is charged with the violation of section
10 653a. The judgment of sentence may impose the sanction permitted
11 under section 625n. If the vehicle is not ordered to be forfeited
12 under section 625n, the court shall order vehicle immobilization
13 under section 904d in the judgment of sentence.

14 (5) A person, whether licensed or not, who operates a motor
15 vehicle in violation of subsection (1), (3), or (8) and by the
16 operation of that motor vehicle causes a serious impairment of a
17 body function of another person is guilty of a crime as follows:

18 (a) Except as provided in subdivision (b), the person is
19 guilty of a felony punishable by imprisonment for **life or any term**
20 **of years but** not ~~more-less~~ than ~~5-2~~ years **and 6 months** or a fine of
21 not less than \$1,000.00 or more than \$5,000.00, or both. The
22 judgment of sentence may impose the sanction permitted under
23 section 625n. If the vehicle is not ordered to be forfeited under
24 section 625n, the court shall order vehicle immobilization under
25 section 904d in the judgment of sentence.

26 (b) If the violation occurs while the person has an alcohol
27 content of 0.17 grams or more per 100 milliliters of blood, per 210
28 liters of breath, or per 67 milliliters of urine, and within 7
29 years of a prior conviction, the person is guilty of a felony

1 punishable by imprisonment for not more than 10 years or a fine of
2 not less than \$1,000.00 or more than \$5,000.00, or both. The
3 judgment of sentence may impose the sanction permitted under
4 section 625n. If the vehicle is not ordered to be forfeited under
5 section 625n, the court shall order vehicle immobilization under
6 section 904d in the judgment of sentence.

7 (6) A person who is less than 21 years of age, whether
8 licensed or not, shall not operate a vehicle on a highway or other
9 place open to the general public or generally accessible to motor
10 vehicles, including an area designated for the parking of vehicles,
11 within this state if the person has any bodily alcohol content. As
12 used in this subsection, "any bodily alcohol content" means either
13 of the following:

14 (a) An alcohol content of 0.02 grams or more but less than
15 0.08 grams per 100 milliliters of blood, per 210 liters of breath,
16 or per 67 milliliters of urine or, beginning 5 years after the
17 state treasurer publishes a certification under subsection (28),
18 the person has an alcohol content of 0.02 grams or more but less
19 than 0.10 grams per 100 milliliters of blood, per 210 liters of
20 breath, or per 67 milliliters of urine.

21 (b) Any presence of alcohol within a person's body resulting
22 from the consumption of alcoholic liquor, other than consumption of
23 alcoholic liquor as a part of a generally recognized religious
24 service or ceremony.

25 (7) A person, whether licensed or not, is subject to the
26 following requirements:

27 (a) ~~He or she~~ **The person** shall not operate a vehicle in
28 violation of subsection (1), (3), (4), (5), or (8) while another
29 person who is less than 16 years of age is occupying the vehicle. A

1 person who violates this subdivision is guilty of a crime
2 punishable as follows:

3 (i) Except as provided in subparagraph (ii), a person who
4 violates this subdivision is guilty of a misdemeanor and must be
5 sentenced to pay a fine of not less than \$200.00 or more than
6 \$1,000.00 and to 1 or more of the following:

7 (A) Imprisonment for not more than 1 year.

8 (B) Community service for not less than 30 days or more than
9 90 days.

10 (ii) If the violation occurs within 7 years of a prior
11 conviction or after 2 or more prior convictions, regardless of the
12 number of years that have elapsed since any prior conviction, a
13 person who violates this subdivision is guilty of a felony and must
14 be sentenced to pay a fine of not less than \$500.00 or more than
15 \$5,000.00 and to either of the following:

16 (A) Imprisonment under the jurisdiction of the department of
17 corrections for not less than 1 year or more than 5 years.

18 (B) Probation with imprisonment in the county jail for not
19 less than 30 days or more than 1 year and community service for not
20 less than 60 days or more than 180 days. Not less than 48 hours of
21 this imprisonment must be served consecutively.

22 (iii) A term of imprisonment imposed under subparagraph (ii) (A)
23 or (B) must not be suspended unless the defendant agrees to
24 participate in a specialty court program and successfully completes
25 the program.

26 (b) ~~He or she~~ **The person** shall not operate a vehicle in
27 violation of subsection (6) while another person who is less than
28 16 years of age is occupying the vehicle. A person who violates
29 this subdivision is guilty of a misdemeanor punishable as follows:

1 (i) Except as provided in subparagraph (ii), a person who
2 violates this subdivision may be sentenced to 1 or more of the
3 following:

4 (A) Community service for not more than 60 days.

5 (B) A fine of not more than \$500.00.

6 (C) Imprisonment for not more than 93 days.

7 (ii) If the violation occurs within 7 years of a prior
8 conviction or after 2 or more prior convictions, regardless of the
9 number of years that have elapsed since any prior conviction, a
10 person who violates this subdivision must be sentenced to pay a
11 fine of not less than \$200.00 or more than \$1,000.00 and to 1 or
12 more of the following:

13 (A) Imprisonment for not less than 5 days or more than 1 year.
14 This term of imprisonment must not be suspended unless the
15 defendant agrees to participate in a specialty court program and
16 successfully completes the program.

17 (B) Community service for not less than 30 days or more than
18 90 days.

19 (c) In the judgment of sentence under subdivision (a) (i) or
20 (b) (i), the court may, unless the vehicle is ordered to be forfeited
21 under section 625n, order vehicle immobilization as provided in
22 section 904d. In the judgment of sentence under subdivision (a) (ii)
23 or (b) (ii), the court shall, unless the vehicle is ordered to be
24 forfeited under section 625n, order vehicle immobilization as
25 provided in section 904d.

26 (d) This subsection does not prohibit a person from being
27 charged with, convicted of, or punished for a violation of
28 subsection (4) or (5) that is committed by the person while
29 violating this subsection. However, points ~~shall~~**must** not be

1 assessed under section 320a for both a violation of subsection (4)
2 or (5) and a violation of this subsection for conduct arising out
3 of the same transaction.

4 (8) A person, whether licensed or not, shall not operate a
5 vehicle on a highway or other place open to the general public or
6 generally accessible to motor vehicles, including an area
7 designated for the parking of vehicles, within this state if the
8 person has in ~~his or her~~ **the person's** body any amount of a
9 controlled substance listed in schedule 1 under section 7212 of the
10 public health code, 1978 PA 368, MCL 333.7212, or a rule
11 promulgated under that section, or of a controlled substance
12 described in section 7214(a) (iv) of the public health code, 1978 PA
13 368, MCL 333.7214.

14 (9) If a person is convicted of violating subsection (1) or
15 (8), all of the following apply:

16 (a) Except as otherwise provided in subdivisions (b) and (c),
17 the person is guilty of a misdemeanor punishable by 1 or more of
18 the following:

19 (i) Community service for not more than 360 hours.

20 (ii) Imprisonment for not more than 93 days, or, if the person
21 is convicted of violating subsection (1)(c), imprisonment for not
22 more than 180 days.

23 (iii) A fine of not less than \$100.00 or more than \$500.00, or,
24 if the person is guilty of violating subsection (1)(c), a fine of
25 not less than \$200.00 or more than \$700.00.

26 (b) If the violation occurs within 7 years of a prior
27 conviction, the person must be sentenced to pay a fine of not less
28 than \$200.00 or more than \$1,000.00 and 1 or more of the following:

29 (i) Imprisonment for not less than 5 days or more than 1 year.

1 (ii) Community service for not less than 30 days or more than
2 90 days.

3 (c) If the violation occurs after 2 or more prior convictions,
4 regardless of the number of years that have elapsed since any prior
5 conviction, the person is guilty of a felony and must be sentenced
6 to pay a fine of not less than \$500.00 or more than \$5,000.00 and
7 to either of the following:

8 (i) Imprisonment under the jurisdiction of the department of
9 corrections for not less than 1 year or more than 5 years.

10 (ii) Probation with imprisonment in the county jail for not
11 less than 30 days or more than 1 year and community service for not
12 less than 60 days or more than 180 days. Not less than 48 hours of
13 the imprisonment imposed under this subparagraph must be served
14 consecutively.

15 (d) A term of imprisonment imposed under subdivision (b) or
16 (c) must not be suspended unless the defendant agrees to
17 participate in a specialty court program and successfully completes
18 the program.

19 (e) In the judgment of sentence under subdivision (a), the
20 court may order vehicle immobilization as provided in section 904d.
21 In the judgment of sentence under subdivision (b) or (c), the court
22 shall, unless the vehicle is ordered to be forfeited under section
23 625n, order vehicle immobilization as provided in section 904d.

24 (f) In the judgment of sentence under subdivision (b) or (c),
25 the court may impose the sanction permitted under section 625n.

26 (10) A person who is convicted of violating subsection (2) is
27 guilty of a crime as follows:

28 (a) Except as provided in subdivisions (b) and (c), a
29 misdemeanor punishable by imprisonment for not more than 93 days or

1 a fine of not less than \$100.00 or more than \$500.00, or both.

2 (b) If the person operating the motor vehicle violated
3 subsection (4), a felony punishable by imprisonment for not more
4 than 5 years or a fine of not less than \$1,500.00 or more than
5 \$10,000.00, or both.

6 (c) If the person operating the motor vehicle violated
7 subsection (5), a felony punishable by imprisonment for not more
8 than 2 years or a fine of not less than \$1,000.00 or more than
9 \$5,000.00, or both.

10 (11) If a person is convicted of violating subsection (3), all
11 of the following apply:

12 (a) Except as otherwise provided in subdivisions (b) and (c),
13 the person is guilty of a misdemeanor punishable by 1 or more of
14 the following:

15 (i) Community service for not more than 360 hours.

16 (ii) Imprisonment for not more than 93 days.

17 (iii) A fine of not more than \$300.00.

18 (b) If the violation occurs within 7 years of 1 prior
19 conviction, the person must be sentenced to pay a fine of not less
20 than \$200.00 or more than \$1,000.00, and 1 or more of the
21 following:

22 (i) Imprisonment for not less than 5 days or more than 1 year.

23 (ii) Community service for not less than 30 days or more than
24 90 days.

25 (c) If the violation occurs after 2 or more prior convictions,
26 regardless of the number of years that have elapsed since any prior
27 conviction, the person is guilty of a felony and must be sentenced
28 to pay a fine of not less than \$500.00 or more than \$5,000.00 and
29 either of the following:

1 (i) Imprisonment under the jurisdiction of the department of
2 corrections for not less than 1 year or more than 5 years.

3 (ii) Probation with imprisonment in the county jail for not
4 less than 30 days or more than 1 year and community service for not
5 less than 60 days or more than 180 days. Not less than 48 hours of
6 the imprisonment imposed under this subparagraph must be served
7 consecutively.

8 (d) A term of imprisonment imposed under subdivision (b) or
9 (c) must not be suspended unless the defendant agrees to
10 participate in a specialty court program and successfully completes
11 the program.

12 (e) In the judgment of sentence under subdivision (a), the
13 court may order vehicle immobilization as provided in section 904d.
14 In the judgment of sentence under subdivision (b) or (c), the court
15 shall, unless the vehicle is ordered to be forfeited under section
16 625n, order vehicle immobilization as provided in section 904d.

17 (f) In the judgment of sentence under subdivision (b) or (c),
18 the court may impose the sanction permitted under section 625n.

19 (12) If a person is convicted of violating subsection (6), all
20 of the following apply:

21 (a) Except as otherwise provided in subdivision (b), the
22 person is guilty of a misdemeanor punishable by 1 or both of the
23 following:

24 (i) Community service for not more than 360 hours.

25 (ii) A fine of not more than \$250.00.

26 (b) If the violation occurs within 7 years of 1 or more prior
27 convictions, the person may be sentenced to 1 or more of the
28 following:

29 (i) Community service for not more than 60 days.

1 (ii) A fine of not more than \$500.00.

2 (iii) Imprisonment for not more than 93 days.

3 (13) In addition to imposing the sanctions prescribed under
4 this section, the court may order the person to pay the costs of
5 the prosecution under the code of criminal procedure, 1927 PA 175,
6 MCL 760.1 to 777.69.

7 (14) A person sentenced to perform community service under
8 this section must not receive compensation and must reimburse the
9 state or appropriate local unit of government for the cost of
10 supervision incurred by the state or local unit of government as a
11 result of the person's activities in that service.

12 (15) If the prosecuting attorney intends to seek an enhanced
13 sentence under this section or a sanction under section 625n based
14 on the defendant having 1 or more prior convictions, the
15 prosecuting attorney shall include on the complaint and
16 information, or an amended complaint and information, filed in
17 district court, circuit court, municipal court, or family division
18 of circuit court, a statement listing the defendant's prior
19 convictions.

20 (16) If a person is charged with a violation of subsection
21 (1), (3), (4), (5), (7), or (8) or section 625m, the court shall
22 not permit the defendant to enter a plea of guilty or nolo
23 contendere to a charge of violating subsection (6) in exchange for
24 dismissal of the original charge. This subsection does not prohibit
25 the court from dismissing the charge on the prosecuting attorney's
26 motion.

27 (17) A prior conviction must be established at sentencing by 1
28 or more of the following:

29 (a) A copy of a judgment of conviction.

1 (b) An abstract of conviction.

2 (c) A transcript of a prior trial or a plea-taking or
3 sentencing proceeding.

4 (d) A copy of a court register of actions.

5 (e) A copy of the defendant's driving record.

6 (f) Information contained in a presentence report.

7 (g) An admission by the defendant.

8 (18) Except as otherwise provided in subsection (20), if a
9 person is charged with operating a vehicle while under the
10 influence of a controlled substance or other intoxicating substance
11 or a combination of alcoholic liquor, a controlled substance, or
12 other intoxicating substance in violation of subsection (1) or a
13 local ordinance substantially corresponding to subsection (1), the
14 court shall require the jury to return a special verdict in the
15 form of a written finding or, if the court convicts the person
16 without a jury or accepts a plea of guilty or nolo contendere, the
17 court shall make a finding as to whether the person was under the
18 influence of a controlled substance or other intoxicating substance
19 or a combination of alcoholic liquor, a controlled substance, or
20 other intoxicating substance at the time of the violation.

21 (19) Except as otherwise provided in subsection (20), if a
22 person is charged with operating a vehicle while ~~his or her~~ **the**
23 **person's** ability to operate the vehicle was visibly impaired due to
24 ~~his or her~~ **the person's** consumption of a controlled substance or
25 other intoxicating substance or a combination of alcoholic liquor,
26 a controlled substance, or other intoxicating substance in
27 violation of subsection (3) or a local ordinance substantially
28 corresponding to subsection (3), the court shall require the jury
29 to return a special verdict in the form of a written finding or, if

1 the court convicts the person without a jury or accepts a plea of
2 guilty or nolo contendere, the court shall make a finding as to
3 whether, due to the consumption of a controlled substance or a
4 combination of alcoholic liquor, a controlled substance, or other
5 intoxicating substance, the person's ability to operate a motor
6 vehicle was visibly impaired at the time of the violation.

7 (20) A special verdict described in subsections (18) and (19)
8 is not required if a jury is instructed to make a finding solely as
9 to either of the following:

10 (a) Whether the defendant was under the influence of a
11 controlled substance or a combination of alcoholic liquor, a
12 controlled substance, or other intoxicating substance at the time
13 of the violation.

14 (b) Whether the defendant was visibly impaired due to ~~his or~~
15 ~~her~~ **the defendant's** consumption of a controlled substance or a
16 combination of alcoholic liquor, a controlled substance, or other
17 intoxicating substance at the time of the violation.

18 (21) If a jury or court finds under subsection (18), (19), or
19 (20) that the defendant operated a motor vehicle under the
20 influence of or while impaired due to the consumption of a
21 controlled substance or a combination of a controlled substance, an
22 alcoholic liquor, or other intoxicating substance, the court shall
23 do both of the following:

24 (a) Report the finding to the secretary of state.

25 (b) On a form or forms prescribed by the state court
26 administrator, forward to the department of state police a record
27 that specifies the penalties imposed by the court, including any
28 term of imprisonment, and any sanction imposed under section 625n
29 or 904d.

1 (22) Except as otherwise provided by law, a record described
2 in subsection (21)(b) is a public record and the department of
3 state police shall retain the information contained on that record
4 for not less than 7 years.

5 (23) In a prosecution for a violation of subsection (6), the
6 defendant bears the burden of proving that the consumption of
7 alcoholic liquor was a part of a generally recognized religious
8 service or ceremony by a preponderance of the evidence.

9 (24) The court may order as a condition of probation that a
10 person convicted of violating subsection (1) or (8), or a local
11 ordinance substantially corresponding to subsection (1) or (8),
12 shall not operate a motor vehicle unless that vehicle is equipped
13 with an ignition interlock device approved, certified, and
14 installed as required under sections 625k and 625l.

15 (25) As used in this section:

16 (a) "Intoxicating substance" means any substance, preparation,
17 or a combination of substances and preparations other than alcohol
18 or a controlled substance, that is either of the following:

19 (i) Recognized as a drug in any of the following publications
20 or their supplements:

21 (A) The official United States Pharmacopoeia.

22 (B) The official Homeopathic Pharmacopoeia of the United
23 States.

24 (C) The official National Formulary.

25 (ii) A substance, other than food, taken into a person's body,
26 including, but not limited to, vapors or fumes, that is used in a
27 manner or for a purpose for which it was not intended, and that may
28 result in a condition of intoxication.

29 (b) "Prior conviction" means a conviction for any of the

1 following, whether under a law of this state, a local ordinance
2 substantially corresponding to a law of this state, a law of the
3 United States substantially corresponding to a law of this state,
4 or a law of another state substantially corresponding to a law of
5 this state, subject to subsection (27):

6 (i) Except as provided in subsection (26), a violation or
7 attempted violation of any of the following:

8 (A) This section, except a violation of subsection (2), or a
9 violation of any prior enactment of this section in which the
10 defendant operated a vehicle while under the influence of
11 intoxicating or alcoholic liquor or a controlled substance, or a
12 combination of intoxicating or alcoholic liquor and a controlled
13 substance, or while visibly impaired, or with an unlawful bodily
14 alcohol content.

15 (B) Section 625m.

16 (C) Former section 625b.

17 (ii) Negligent homicide, manslaughter, or murder resulting from
18 the operation of a vehicle or an attempt to commit any of those
19 crimes.

20 (iii) Section 601d or 626(3) or (4).

21 (26) Except for purposes of the enhancement described in
22 subsection (12)(b), only 1 violation or attempted violation of
23 subsection (6), a local ordinance substantially corresponding to
24 subsection (6), or a law of another state substantially
25 corresponding to subsection (6) may be used as a prior conviction.

26 (27) If 2 or more convictions described in subsection (25) are
27 convictions for violations arising out of the same transaction,
28 only 1 conviction must be used to determine if the person has a
29 prior conviction.

1 (28) Not later than 30 days after this state no longer
2 receives annual federal highway construction funding conditioned on
3 compliance with a national blood alcohol limit, the state treasurer
4 shall certify that fact. The state treasurer shall publish a
5 certification under this subsection on the department of treasury's
6 website.

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

HOUSE BILL NO. 5908

April 29, 2026, Introduced by Reps. Hoadley, St. Germaine, Wozniak, Pavlov and Bruck and referred to Committee on Judiciary.

A bill to amend 1968 PA 302, entitled
"An act to define and prescribe the penalties for the crime of
rioting and related crimes; and to repeal certain acts and parts of
acts,"
by amending section 4 (MCL 752.544), as amended by 1988 PA 393.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) A violation of section 1 ~~, 2,~~ or 2a is a felony,
2 punishable by **imprisonment for life or any term of years but** not
3 ~~more~~ **less** than ~~10~~ **5** years ~~in prison or~~ **and** a fine of not more than
4 \$10,000.00. ~~, or both.~~
5 **(2) A violation of section 2 is a felony punishable by**

1 imprisonment for life or any term of years but not less than 10
2 years.

3 (3) ~~(2)~~—A violation of section 3 is a felony, punishable by
4 not more than 5 years in prison or a fine of not more than
5 \$5,000.00, or both.

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

HOUSE BILL NO. 5909

April 29, 2026, Introduced by Reps. Wozniak, Hoadley, St. Germaine, Pavlov and Bruck and referred to Committee on Judiciary.

A bill to amend 1977 PA 72, entitled
"The medicaid false claim act,"
by amending section 6 (MCL 400.606), as amended by 1984 PA 333.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) A person shall not enter into an agreement,
2 combination, or conspiracy to defraud the state by obtaining or
3 aiding another to obtain the payment or allowance of a false claim
4 under the social welfare act, ~~Act No. 280 of the Public Acts of~~
5 ~~1939, as amended, being sections 400.1 to 400.121 of the Michigan~~
6 ~~Compiled Laws.1939 PA 280, MCL 400.1 to 400.119b.~~

1 (2) A person who violates this section is guilty of a felony.
2 ~~, punishable by~~ **The court shall sentence the person to** imprisonment
3 for not **less than 2 years and 6 months or** more than 10 years, or by
4 a fine of not more than \$50,000.00, or both.

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

HOUSE BILL NO. 5910

April 29, 2026, Introduced by Reps. Wozniak, Hoadley, St. Germaine, Pavlov and Bruck and referred to Committee on Judiciary.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending section 60 (MCL 400.60), as amended by 1999 PA 194.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 60. (1) ~~Any person~~**An individual** who by means of willful
2 false statement or representation, by impersonation or other
3 fraudulent device, or by using an access device obtains or attempts
4 to obtain, or aids or abets ~~any person~~**an individual** to obtain or
5 attempt to obtain, (a) assistance or relief to which the ~~person~~
6 **individual** is not entitled; or (b) a larger amount of assistance or

1 relief than that to which the ~~person~~**individual** is justly entitled;
 2 or ~~any~~**an** officer or employee of a county, city, or district ~~family~~
 3 ~~independence agency~~**office of the department of health and human**
 4 **services** who authorizes or recommends relief to ~~persons~~**individuals**
 5 known to the officer or employee to be ineligible or to have
 6 fraudulently created their eligibility; or ~~any person~~**an individual**
 7 who knowingly buys or aids or abets in buying or in disposal of the
 8 property of ~~a person~~**an individual** receiving assistance or relief
 9 without the consent of the director or supervisor of the ~~state~~
 10 department ~~shall, if the amount involved shall be of the value of~~
 11 ~~\$500.00 or less, be deemed~~**of health and human services is** guilty
 12 of a misdemeanor and ~~felony~~**. The court shall** ~~, if the amount~~
 13 ~~involved shall be of the value of more than \$500.00, be deemed~~
 14 ~~guilty of a felony, and upon conviction shall be punished as~~
 15 ~~provided by the laws of this state. The amount involved as used in~~
 16 ~~this subsection shall be defined as the difference between the~~
 17 ~~lawful amount of assistance or aid and the amount of assistance or~~
 18 ~~aid actually received.~~**sentence the person to imprisonment for not**
 19 **less than 2 years and 6 months or more than 4 years.** If anyone
 20 receives assistance or relief through means enumerated in this
 21 section, in which prosecution is deemed unnecessary, the ~~state~~
 22 department **of health and human services** or county departments may
 23 take the necessary steps to recover from the recipient the amount
 24 involved, plus interest at 5% per annum. On conviction of the
 25 violation of the provisions of this section of ~~any~~**an** officer or
 26 employee of ~~any~~**a** county, city, or district department of ~~social~~
 27 ~~welfare,~~**health and human services**, the officer or employee shall
 28 **must** be removed or dismissed from office. ~~For the purpose of~~**As**
 29 **used in** this subsection, "access device" means that term as it is

defined in section 300a of the Michigan penal code, 1931 PA 328,
MCL 750.300a.

(2) There is imposed ~~upon~~**on** every ~~person~~**individual** receiving relief under this act either ~~upon~~**on** the ~~person's~~**individual's** own application or by the ~~person's~~**individual's** inclusion, to ~~his or her~~**the individual's** knowledge, in the application of another the continuing obligation to supply to the department issuing the relief: (a) the complete circumstances in regard to the ~~person's~~**individual's** income from employment or from any other source or the existence of income, if known to the ~~person~~**individual**, of other ~~persons~~**individuals** receiving relief through the same application; (b) information regarding each and every offer of employment for the ~~person~~**individual** or, if known to ~~him or her~~**the individual**, of the other ~~persons~~**individuals** receiving relief through the same application; (c) information concerning changes in the ~~person's~~**individual's** circumstances or those of other ~~persons~~**individuals** receiving relief through the same application which would decrease the need for relief; and (d) the circumstances or whereabouts, known to the ~~person~~**individual**, of relatives legally responsible for the ~~person's~~**individual's** support or for the support of other ~~persons~~**individuals** receiving relief through the same application if changes in those circumstances or whereabouts could affect the amount of assistance available from those relatives or affect their legal liability to furnish support. ~~Any person~~**An individual** who ~~shall neglect or refuse~~**neglects or refuses** to submit to the department issuing relief the information required by this section ~~, if the amount of relief granted as a result of the neglect or refusal is less than \$500.00,~~ is guilty of a misdemeanor, and if ~~the amount of relief granted as a result of the neglect or refusal~~

1 ~~is \$500.00 or more, is guilty of a felony, and upon~~ **on** conviction
2 **the court** shall ~~be punished as provided by the laws of this~~
3 ~~state.~~ **sentence the individual to imprisonment for not less than 2**
4 **years and 6 months or more than 4 years.**

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

HOUSE BILL NO. 5911

April 29, 2026, Introduced by Reps. Bruck, Hoadley, St. Germaine, Wozniak and Pavlov and referred to Committee on Judiciary.

A bill to amend 2004 PA 452, entitled
"Identity theft protection act,"
by amending section 9 (MCL 445.69), as amended by 2010 PA 318.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) Subject to subsection ~~(6)~~, **(7)**, a person who
2 violates section 5 ~~or 7~~ is guilty of a felony. ~~punishable as~~
3 ~~follows:~~

4 ~~(a) Except as otherwise provided in subdivisions (b) and (c),~~
5 ~~by imprisonment for not more than 5 years or a fine of not more~~
6 ~~than \$25,000.00, or both.~~

1 ~~(b) If the violation is a second violation of section 5 or 7,~~
2 ~~by imprisonment for not more than 10 years or a fine of not more~~
3 ~~than \$50,000.00, or both.~~

4 ~~(c) If the violation is a third or subsequent violation of~~
5 ~~section 5 or 7, by imprisonment for not more than 15 years or a~~
6 ~~fine of not more than \$75,000.00, or both.~~ **The court shall sentence**
7 **the person to imprisonment for life or any term of years but not**
8 **less than 10 years.**

9 **(2) Subject to subsection (7), a person who violates section 7**
10 **is guilty of a felony. The court shall sentence the person to**
11 **imprisonment for life or any term of years but not less than 2**
12 **years and 6 months.**

13 **(3)** ~~(2)~~ Sections 5 and 7 apply whether an individual who is a
14 victim or intended victim of a violation of 1 of those sections is
15 alive or deceased at the time of the violation.

16 **(4)** ~~(3)~~ This section does not prohibit a person from being
17 charged with, convicted of, or sentenced for any other violation of
18 law committed by that person using information obtained in
19 violation of this section or any other violation of law committed
20 by that person while violating or attempting to violate this
21 section.

22 **(5)** ~~(4)~~ The court may order that a term of imprisonment
23 imposed under this section be served consecutively to any term of
24 imprisonment imposed for a conviction of any other violation of law
25 committed by that person using the information obtained in
26 violation of this section or any other violation of law committed
27 by that person while violating or attempting to violate this
28 section.

29 **(6)** ~~(5)~~ A person may assert as a defense in a civil action or

1 as an affirmative defense in a criminal prosecution for a violation
2 of section 5 or 7, and has the burden of proof on that defense by a
3 preponderance of the evidence, that the person lawfully
4 transferred, obtained, or attempted to obtain personal identifying
5 information of another person for the purpose of detecting,
6 preventing, or deterring identity theft or another crime or the
7 funding of a criminal activity.

8 (7) ~~(6) Subsection (1) does~~ **Subsections (1) and (2) do** not
9 apply to a violation of a statute or rule administered by a
10 regulatory board, commission, or officer acting under authority of
11 this state or the United States that confers primary jurisdiction
12 on that regulatory board, commission, or officer to authorize,
13 prohibit, or regulate the transactions and conduct of that person,
14 including, but not limited to, a state or federal statute or rule
15 governing a financial institution and the insurance code of 1956,
16 1956 PA 218, MCL 500.100 to 500.8302, if the act is committed by a
17 person subject to and regulated by that statute or rule, or by
18 another person who has contracted with that person to use personal
19 identifying information.

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

HOUSE BILL NO. 5912

April 29, 2026, Introduced by Reps. Johnsen, Hoadley, St. Germaine, Wozniak, Pavlov and Bruck
and referred to Committee on Judiciary.

A bill to amend 1981 PA 7, entitled

"An act to prohibit without authorization the bringing into jails and other specified areas any alcoholic liquor, controlled substances, weapons, and certain other items; the selling or furnishing to prisoners, and the improper disposal of any alcoholic liquor, controlled substances, weapons, and certain other items; the possession or control by prisoners of any alcoholic liquor, controlled substances, weapons, and certain other items; to prescribe a penalty; and to repeal certain acts and parts of acts,"

by amending sections 2, 2a, 3, and 5 (MCL 801.262, 801.262a, 801.263, and 801.265), section 2a as added by 2012 PA 256 and section 5 as amended by 1999 PA 28.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Unless authorized by the chief administrator of
2 the jail, a person shall not do either of the following:

3 (a) Bring into a jail or a building appurtenant to a jail, or
4 onto the grounds used for jail purposes, for the use or benefit of
5 a prisoner, ~~any-a~~ weapon or other item that may be used to injure a
6 prisoner or other person, or used to assist a prisoner in escaping
7 from jail.

8 (b) Sell or furnish to a prisoner, or dispose of in a manner
9 that allows a prisoner access to the weapon or other item, ~~any-a~~
10 weapon or other item which may be used to injure a prisoner or
11 other person, or used to assist a prisoner in escaping from jail.

12 **(2) A person who violates subsection (1) (a) is guilty of a**
13 **felony punishable by imprisonment for life or any term of years but**
14 **not less than 5 years.**

15 (3) ~~(2)~~ Unless authorized by the chief administrator of the
16 jail, a prisoner shall not possess or have under ~~his or her~~ **the**
17 **prisoner's** control ~~any-a~~ weapon or other item that may be used to
18 injure a prisoner or other person, or used to assist a prisoner in
19 escaping from jail. **A person who violates this subsection is guilty**
20 **of a felony punishable by imprisonment for life or any term of**
21 **years but not less than 15 years.**

22 Sec. 2a. (1) A person shall not sell, give, or furnish, or aid
23 in the selling, giving, or furnishing of, a cellular telephone or
24 other wireless communication device to a prisoner in a jail or a
25 building appurtenant to a jail or on grounds used for jail
26 purposes, or dispose of a cellular telephone or other wireless
27 communication device in a jail or a building appurtenant to a jail
28 or on grounds used for jail purposes.

1 (2) A prisoner shall not possess or use a cellular telephone
2 or other wireless communication device in a jail or a building
3 appurtenant to a jail or on grounds used for jail purposes except
4 as authorized by the person in charge of the jail. **A person who**
5 **violates this subsection is guilty of a felony. The court shall**
6 **sentence the person to imprisonment for not less than 1 year or**
7 **more than 5 years.**

8 (3) A cellular telephone or other wireless communication
9 device sold, given, furnished, possessed, or used in violation of
10 this section is subject to confiscation and disposal under this
11 section as contraband. If a cellular telephone or other wireless
12 communication device is confiscated under this section, and the
13 cellular telephone or other wireless device is serviceable but no
14 longer needed for purposes of a criminal prosecution under this
15 section, the cellular telephone or other wireless device ~~shall~~**must**
16 be donated to a nonprofit organization that provides cellular
17 telephones and other wireless communication devices to military
18 personnel, or to any other charity approved by the warden of the
19 facility where the device was confiscated.

20 Sec. 3. (1) Except as provided in section 4, a person shall
21 not bring into a jail, a building appurtenant to a jail, or the
22 grounds used for jail purposes; sell or furnish to a prisoner; or
23 dispose of in a manner that allows a prisoner access to an
24 alcoholic liquor or controlled substance, ~~any~~ alcoholic liquor or a
25 controlled substance. **A person who violates this subsection is**
26 **guilty of a felony punishable by imprisonment for life but not less**
27 **than 5 years.**

28 (2) Except as provided in section 4, a prisoner shall not
29 possess or have under ~~his or her~~ **the prisoner's** control ~~any~~

1 alcoholic liquor or a controlled substance. A person who violates
2 this subsection is guilty of a felony punishable by imprisonment
3 for life but not less than 5 years.

4 Sec. 5. (1) Except as otherwise provided in sections 2, 2a,
5 and 3 or subsection (2), a person who violates this act is guilty
6 of a felony punishable by imprisonment for not more than 5 years or
7 a fine of not more than \$1,000.00, or both.

8 (2) If a violation of section 3 involving a controlled
9 substance constitutes the delivery, possession with intent to
10 deliver, or possession of or other action involving a controlled
11 substance that is punishable by imprisonment for more than 5 years
12 under part 74 of the public health code, 1978 PA 368, MCL 333.7401
13 to 333.7461, the person ~~shall~~**must** not be prosecuted under this act
14 for that violation.

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

HOUSE BILL NO. 5913

April 29, 2026, Introduced by Reps. Johnsen, Hoadley, St. Germaine, Wozniak, Pavlov and Bruck
and referred to Committee on Judiciary.

A bill to amend 1909 PA 17, entitled

"An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties,"

by amending sections 1, 3, 3a, and 5 (MCL 800.281, 800.283,

800.283a, and 800.285), sections 1, 3, and 5 as amended by 1982 PA 343 and section 3a as amended by 2012 PA 255.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) Except as provided in section 2, a person shall
2 not sell, give, or furnish, either directly or indirectly, any
3 alcoholic liquor, prescription drug, poison, or controlled
4 substance to a prisoner who is in or on a correctional facility or
5 dispose of that liquor, drug, poison, or controlled substance in
6 any manner that allows a prisoner or employee of the correctional
7 facility who is in or on a correctional facility access to it. **A**
8 **person who violates this subsection is guilty of a felony. The**
9 **court shall sentence the person to imprisonment for 5 years.**

10 (2) Except as provided in section 2, a person who knows or has
11 reason to know that another person is a prisoner shall not sell,
12 give, or furnish, either directly or indirectly, any alcoholic
13 liquor, prescription drug, poison, or controlled substance to that
14 prisoner anywhere outside of a correctional facility.

15 (3) Except as provided in section 2, a person shall not bring
16 any alcoholic liquor, prescription drug, poison, or controlled
17 substance into or onto a correctional facility. **A person who**
18 **violates this subsection is guilty of a felony. The court shall**
19 **sentence the person to imprisonment for life or any term of years**
20 **but not less than 1 year.**

21 (4) Except as provided in section 2, a prisoner shall not
22 possess any alcoholic liquor, prescription drug, poison, or
23 controlled substance. **A prisoner who violates this subsection is**
24 **guilty of a felony. The court shall sentence the prisoner to**
25 **imprisonment for life or any term of years but not less than 5**
26 **years.**

1 Sec. 3. (1) Unless authorized by the chief administrator of
2 the correctional facility, a weapon or other implement which may be
3 used to injure a prisoner or other person, or in assisting a
4 prisoner to escape from imprisonment, ~~shall~~**must** not be sold,
5 given, or furnished, either directly or indirectly, to a prisoner
6 who is in or on the correctional facility, or be disposed of in a
7 manner or in a place that it may be secured by a prisoner who is in
8 or on the correctional facility.

9 (2) Unless authorized by the chief administrator of the
10 correctional facility, a person, who knows or has reason to know
11 that another person is a prisoner, shall not sell, give, or
12 furnish, either directly or indirectly, to that prisoner anywhere
13 outside of a correctional facility a weapon or other implement
14 which may be used to injure a prisoner or other person or in
15 assisting a prisoner to escape from imprisonment.

16 (3) Unless authorized by the chief administrator of the
17 correctional facility, a weapon or other implement which may be
18 used to injure a prisoner or other person, or in assisting a
19 prisoner to escape from imprisonment, shall not be brought into or
20 onto any correctional facility. **A person who violates this**
21 **subsection is guilty of a felony. The court shall sentence the**
22 **person to imprisonment for life or any term of years but not less**
23 **than 5 years.**

24 (4) Unless authorized by the chief administrator of the
25 correctional facility, a prisoner shall not have in ~~his or her~~**the**
26 **prisoner's** possession or under ~~his or her~~**the prisoner's** control a
27 weapon or other implement which may be used to injure a prisoner or
28 other person, or to assist a prisoner to escape from imprisonment.
29 **A person who violates this subsection is guilty of a felony. The**

1 **court shall sentence the person to imprisonment for life or any**
2 **term of years but not less than 15 years.**

3 Sec. 3a. (1) A person shall not sell, give, or furnish, or aid
4 in the selling, giving, or furnishing of, a cellular telephone or
5 other wireless communication device to a prisoner in a correctional
6 facility, or dispose of a cellular telephone or other wireless
7 communication device in or on the grounds of a correctional
8 facility. **A person who violates this subsection is guilty of a**
9 **felony. The court shall sentence the person to imprisonment for not**
10 **less than 1 year or more than 5 years.**

11 (2) A prisoner shall not possess or use a cellular telephone
12 or other wireless communication device in a correctional facility
13 or on the grounds of a correctional facility except as authorized
14 by the department of corrections.

15 (3) A cellular telephone or other wireless communication
16 device sold, given, furnished, possessed, or used in violation of
17 this section is subject to confiscation and disposal under this
18 section as contraband. If a cellular telephone or other wireless
19 communication device is confiscated under this section, and the
20 cellular telephone or other wireless device is serviceable but no
21 longer needed for purposes of a criminal prosecution under this
22 section, the cellular telephone or other wireless device ~~shall~~**must**
23 be donated to a nonprofit organization that provides cellular
24 telephones and other wireless communication devices to military
25 personnel, or to any other charity approved by the warden of the
26 facility where the device was confiscated.

27 Sec. 5. (1) Except as **otherwise** provided in **sections 1, 3, and**
28 **3a or** subsection (2), a person violating this act is guilty of a
29 felony, punishable by ~~a fine of not more than \$1,000.00, or~~

1 imprisonment for not more than 5 years **or a fine of not more than**
2 **\$1,000.00**, or both.

3 (2) If the delivery of a controlled substance is a felony
4 punishable by imprisonment for more than 5 years under part 74 of
5 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7401 to~~
6 ~~333.7415 of the Michigan Compiled Laws,~~ **the public health code,**
7 **1978 PA 368, MCL 333.7401 to 333.7461**, a person who gives, sells,
8 or furnishes a controlled substance in violation of section 1 of
9 this act ~~shall~~**must** not be prosecuted under this section for that
10 giving, selling, or furnishing. If the possession of a controlled
11 substance is a felony punishable by imprisonment for more than 5
12 years under part 74 of ~~Act No. 368 of the Public Acts of 1978,~~ **the**
13 **public health code, 1978 PA 368, MCL 333.7401 to 333.7461**, a person
14 who possesses, or brings into a correctional facility, a controlled
15 substance in violation of section 1 of this act ~~shall~~**must** not be
16 prosecuted under this section for that possession.

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

HOUSE BILL NO. 5914

April 29, 2026, Introduced by Reps. Schuette, Hoadley, St. Germaine, Wozniak, Pavlov and Bruck
and referred to Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 7340c, 7401, 7401c, 7402, 7403, 7404, 7405,
7406, 7410, and 17766c (MCL 333.7340c, 333.7401, 333.7401c,
333.7402, 333.7403, 333.7404, 333.7405, 333.7406, 333.7410, and
333.17766c), section 7340c as amended by 2016 PA 125, section 7401
as amended by 2016 PA 548, section 7401c as amended by 2003 PA 310,
section 7402 as amended by 2012 PA 183, section 7403 as amended by
2016 PA 307, section 7404 as amended by 2016 PA 308, section 7405
as amended by 2016 PA 49, section 7410 as amended by 2016 PA 128,

and section 17766c as amended by 2014 PA 216.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7340c. (1) A person shall not solicit another person to
2 purchase or otherwise obtain any amount of ephedrine or
3 pseudoephedrine knowing that it is to be used for the purpose of
4 illegally manufacturing methamphetamine.

5 (2) Except as provided in subsection (3), a person who
6 violates this section is guilty of a felony punishable by
7 imprisonment for **life or any term of years but** not ~~more~~-less than
8 ~~10 years~~-**182 days** or a fine of not more than \$10,000.00, or both.

9 (3) A person who attempts to violate subsection (1) is guilty
10 of a misdemeanor punishable by imprisonment for not more than 1
11 year or a fine of not more than \$1,000.00, or both.

12 (4) This section does not prohibit the person from being
13 charged with, convicted of, or sentenced for any other violation of
14 law committed by the person while violating this section.

15 (5) If a person is convicted of violating this section, the
16 court shall report the violation to the department of state police.

17 (6) For purposes of this section:

18 (a) "Ephedrine" includes the salts and isomers and salts of
19 isomers of ephedrine.

20 (b) "Pseudoephedrine" includes the salts and isomers and salts
21 of isomers of pseudoephedrine.

22 Sec. 7401. (1) Except as authorized by this article, a person
23 shall not manufacture, create, deliver, or possess with intent to
24 manufacture, create, or deliver a controlled substance, a
25 prescription form, or a counterfeit prescription form. A
26 practitioner licensed by the administrator under this article shall
27 not dispense, prescribe, or administer a controlled substance for

1 other than legitimate and professionally recognized therapeutic or
2 scientific purposes or outside the scope of practice of the
3 practitioner, licensee, or applicant.

4 (2) A person who violates this section as to:

5 (a) A controlled substance classified in schedule 1 or 2 that
6 is a narcotic drug or a drug described in section 7214(a)(iv) and:

7 (i) ~~Which~~**That** is in an amount of 1,000 grams or more of any
8 mixture containing that substance is guilty of a felony punishable
9 by imprisonment for life or any term of years or a fine of not more
10 than \$1,000,000.00, or both.

11 (ii) ~~Which~~**That** is in an amount of 450 grams or more, but less
12 than 1,000 grams, of any mixture containing that substance is
13 guilty of a felony and punishable by imprisonment for **life or any**
14 **term of years but** not ~~more~~**less** than ~~30~~**15** years or a fine of not
15 more than \$500,000.00, or both.

16 (iii) ~~Which~~**That** is in an amount of 50 grams or more, but less
17 than 450 grams, of any mixture containing that substance is guilty
18 of a felony punishable by imprisonment for **life or any term of**
19 **years but** not ~~more~~**less** than ~~20~~**10** years or a fine of not more than
20 \$250,000.00, or both.

21 (iv) ~~Which~~**That** is in an amount less than 50 grams, of any
22 mixture containing that substance is guilty of a felony punishable
23 by imprisonment for **life or any term of years but** not ~~more~~**less**
24 than ~~20~~**5** years or a fine of not more than \$25,000.00, or both.

25 (b) Either of the following:

26 (i) A substance described in section 7212(1)(h) or 7214(c)(ii)
27 is guilty of a felony punishable by imprisonment for **life or any**
28 **term of years but** not ~~more~~**less** than ~~20~~**15** years or a fine of not
29 more than \$25,000.00, or both.

(ii) Any other controlled substance classified in schedule 1, 2, or 3, except marihuana or a substance listed in section 7212(1)(d), is guilty of a felony punishable by imprisonment for **life or any term of years but** not ~~more~~**less** than ~~7~~**10** years or a fine of not more than \$10,000.00, or both.

(c) A substance classified in schedule 4 is guilty of a felony punishable by imprisonment for **life or any term of years but** not ~~more~~**less** than ~~4~~**5** years or a fine of not more than \$2,000.00, or both.

(d) Marihuana, a mixture containing marihuana, or a substance listed in section 7212(1)(d) is guilty of a felony punishable as follows:

(i) If the amount is 45 kilograms or more, or 200 plants or more, by imprisonment for **life or any term of years but** not ~~more~~**less** than ~~15~~**4** years or a fine of not more than \$10,000,000.00, or both.

(ii) If the amount is 5 kilograms or more but less than 45 kilograms, or 20 plants or more but fewer than 200 plants, by imprisonment for **life or any term of years but** not ~~more~~**less** than ~~7~~**4** years or a fine of not more than \$500,000.00, or both.

(iii) If the amount is less than 5 kilograms or fewer than 20 plants, by imprisonment for **life or any term of years but** not ~~more~~**less** than 4 years or a fine of not more than \$20,000.00, or both.

(e) A substance classified in schedule 5 is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(f) A prescription form or a counterfeit prescription form is guilty of a felony punishable by imprisonment for **life or any term of years but** not ~~more~~**less** than ~~7~~**4** years or a fine of not more

1 than \$5,000.00, or both.

2 (3) A term of imprisonment imposed under subsection (2)(a) may
3 be imposed to run consecutively with any term of imprisonment
4 imposed for the commission of another felony.

5 (4) If an individual was sentenced to lifetime probation under
6 subsection (2)(a)(iv) as it existed before March 1, 2003 and the
7 individual has served 5 or more years of that probationary period,
8 the probation officer for that individual may recommend to the
9 court that the court discharge the individual from probation. If an
10 individual's probation officer does not recommend discharge as
11 provided in this subsection, with notice to the prosecutor, the
12 individual may petition the court seeking resentencing under the
13 court rules. The court may discharge an individual from probation
14 as provided in this subsection. An individual may file more than 1
15 motion seeking resentencing under this subsection.

16 (5) As used in this section, "plant" means a marihuana plant
17 that has produced cotyledons or a cutting of a marihuana plant that
18 has produced cotyledons.

19 Sec. 7401c. (1) A person shall not do any of the following:

20 (a) Own, possess, or use a vehicle, building, structure,
21 place, or area that ~~he or she~~ **the person** knows or has reason to
22 know is to be used as a location to manufacture a controlled
23 substance in violation of section 7401 or a counterfeit substance
24 or a controlled substance analogue in violation of section 7402.

25 (b) Own or possess any chemical or any laboratory equipment
26 that ~~he or she~~ **the person** knows or has reason to know is to be used
27 for the purpose of manufacturing a controlled substance in
28 violation of section 7401 or a counterfeit substance or a
29 controlled substance analogue in violation of section 7402.

1 (c) Provide any chemical or laboratory equipment to another
2 person knowing or having reason to know that the other person
3 intends to use that chemical or laboratory equipment for the
4 purpose of manufacturing a controlled substance in violation of
5 section 7401 or a counterfeit substance or a controlled substance
6 analogue in violation of section 7402.

7 (2) A person who violates this section is guilty of a felony
8 punishable as follows:

9 (a) Except as provided in subdivisions (b) to (f), by
10 imprisonment for **life or any term of years but** not ~~more-less~~ than
11 ~~10-5~~ years or a fine of not more than \$100,000.00, or both.

12 (b) If the violation is committed in the presence of a minor,
13 by imprisonment for **life or any term of years but** not ~~more-less~~
14 than ~~20-5~~ years or a fine of not more than \$100,000.00, or both.

15 (c) If the violation involves the unlawful generation,
16 treatment, storage, or disposal of a hazardous waste, by
17 imprisonment for **life or any term of years but** not ~~more-less~~ than
18 ~~20-5~~ years or a fine of not more than \$100,000.00, or both.

19 (d) If the violation occurs within 500 feet of a residence,
20 business establishment, school property, or church or other house
21 of worship, by imprisonment for **life or any term of years but** not
22 ~~more-less~~ than ~~20-5~~ years or a fine of not more than \$100,000.00,
23 or both.

24 (e) If the violation involves the possession, placement, or
25 use of a firearm or any other device designed or intended to be
26 used to injure another person, by imprisonment for not more than 25
27 years or a fine of not more than \$100,000.00, or both.

28 (f) If the violation involves or is intended to involve the
29 manufacture of a substance described in section 7214(c)(ii), by

1 imprisonment for **life or any term of years but** not ~~more~~-less than
2 ~~20-5~~ years or a fine of not more than \$25,000.00, or both.

3 (3) This section does not apply to a violation involving only
4 a substance described in section 7214(a) (*iv*) or marihuana, or both.

5 (4) This section does not prohibit the person from being
6 charged with, convicted of, or punished for any other violation of
7 law committed by that person while violating or attempting to
8 violate this section.

9 (5) A term of imprisonment imposed under this section may be
10 served consecutively to any other term of imprisonment imposed for
11 a violation of law arising out of the same transaction.

12 (6) The court may, as a condition of sentence, order a person
13 convicted of a violation punishable under subsection (2)(c) to pay
14 response activity costs arising out of the violation.

15 (7) As used in this section:

16 (a) "Hazardous waste" means that term as defined in section
17 11103 of the natural resources and environmental protection act,
18 1994 PA 451, MCL 324.11103.

19 (b) "Laboratory equipment" means any equipment, device, or
20 container used or intended to be used in the process of
21 manufacturing a controlled substance, counterfeit substance, or
22 controlled substance analogue.

23 (c) "Manufacture" means the production, preparation,
24 propagation, compounding, conversion, or processing of a controlled
25 substance, directly or indirectly by extraction from substances of
26 natural origin, or independently by means of chemical synthesis, or
27 by a combination of extraction and chemical synthesis. Manufacture
28 does not include any of the following:

29 (i) The packaging or repackaging of the substance or labeling

1 or relabeling of its container.

2 (ii) The preparation or compounding of a controlled substance
3 by any of the following:

4 (A) A practitioner as an incident to the practitioner's
5 administering or dispensing of a controlled substance in the course
6 of ~~his or her~~ **the practitioner's** professional practice.

7 (B) A practitioner, or by the practitioner's authorized agent
8 under ~~his or her~~ **the practitioner's** supervision, for the purpose
9 of, or as an incident to, research, teaching, or chemical analysis
10 and not for sale.

11 (d) "Minor" means an individual less than 18 years of age.

12 (e) "Response activity costs" means that term as defined in
13 section 20101 of the natural resources and environmental protection
14 act, 1994 PA 451, MCL 324.20101.

15 (f) "School property" means that term as defined in section
16 7410.

17 (g) "Vehicle" means that term as defined in section 79 of the
18 Michigan vehicle code, 1949 PA 300, MCL 257.79.

19 Sec. 7402. (1) Except as authorized by this article, a person
20 shall not create, manufacture, deliver, or possess with intent to
21 deliver a counterfeit substance or a controlled substance analogue
22 intended for human consumption. This section does not apply to a
23 person who manufactures or distributes a substance in conformance
24 with the provisions of an approved new drug application or an
25 exemption for investigational use within the meaning of section 505
26 of the federal food, drug, and cosmetic act, ~~21 U.S.C. 355.~~ **21 USC**
27 **355**. For purposes of this section, section 505 of the federal food,
28 drug, and cosmetic act, ~~shall be 21 USC 355,~~ **is** applicable to the
29 introduction or delivery for introduction of any new drug into

1 intrastate, interstate, or foreign commerce.

2 (2) A person who violates this section as to:

3 (a) A counterfeit substance classified in schedule 1 or 2
 4 ~~which~~**that** is either a narcotic drug or a drug described in section
 5 7212(1)(h) or 7214(a)(iv) or (c)(ii), is guilty of a felony
 6 punishable by imprisonment for **life or any term of years but** not
 7 ~~more~~**less** than ~~10~~**4** years or a fine of not more than \$10,000.00, or
 8 both.

9 (b) Any other counterfeit substance classified in schedule 1,
 10 2, or 3, is guilty of a felony punishable by imprisonment for not
 11 more than 5 years or a fine of not more than \$5,000.00, or both.

12 (c) A counterfeit substance classified in schedule 4, is
 13 guilty of a felony punishable by imprisonment for not more than 4
 14 years or a fine of not more than \$2,000.00, or both.

15 (d) A counterfeit substance classified in schedule 5, is
 16 guilty of a felony punishable by imprisonment for not more than 2
 17 years or a fine of not more than \$2,000.00, or both.

18 (e) A controlled substance analogue, is guilty of a felony
 19 punishable by imprisonment for **life or any term of years but** not
 20 ~~more~~**less** than ~~15~~**4** years or a fine of not more than \$250,000.00,
 21 or both.

22 Sec. 7403. (1) A person shall not knowingly or intentionally
 23 possess a controlled substance, a controlled substance analogue, or
 24 a prescription form unless the controlled substance, controlled
 25 substance analogue, or prescription form was obtained directly
 26 from, or pursuant to, a valid prescription or order of a
 27 practitioner while acting in the course of the practitioner's
 28 professional practice, or except as otherwise authorized by this
 29 article.

1 (2) A person who violates this section as to:

2 (a) A controlled substance classified in schedule 1 or 2 that
3 is a narcotic drug or a drug described in section 7214(a)(iv), and:

4 (i) That is in an amount of 1,000 grams or more of any mixture
5 containing that substance is guilty of a felony punishable by
6 imprisonment for life or any term of years or a fine of not more
7 than \$1,000,000.00, or both.

8 (ii) That is in an amount of 450 grams or more, but less than
9 1,000 grams, of any mixture containing that substance is guilty of
10 a felony punishable by imprisonment for **life but** not ~~more-less~~ than
11 ~~30-15~~ years or a fine of not more than \$500,000.00, or both.

12 (iii) That is in an amount of 50 grams or more, but less than
13 450 grams, of any mixture containing that substance is guilty of a
14 felony punishable by imprisonment for **life but** not ~~more-less~~ than
15 ~~20-10~~ years or a fine of not more than \$250,000.00, or both.

16 (iv) That is in an amount of 25 grams or more, but less than 50
17 grams of any mixture containing that substance is guilty of a
18 felony punishable by imprisonment for **life but** not ~~more-less~~ than 4
19 5 years or a fine of not more than \$25,000.00, or both.

20 (v) That is in an amount less than 25 grams of any mixture
21 containing that substance is guilty of a felony punishable by
22 imprisonment for **life but** not ~~more-less~~ than 4-2 years or a fine of
23 not more than \$25,000.00, or both.

24 (b) Either of the following:

25 (i) A substance described in section 7212(1)(h) or 7214(c)(ii)
26 is guilty of a felony punishable by imprisonment for **life but** not
27 ~~more-less~~ than ~~10-2~~ years or a fine of not more than \$15,000.00, or
28 both.

29 (ii) A controlled substance classified in schedule 1, 2, 3, or

1 4, except a controlled substance for which a penalty is prescribed
2 in subparagraph (i) or subdivision (a), (c), or (d), or a controlled
3 substance analogue is guilty of a felony punishable by imprisonment
4 for **life or any term of years but** not ~~more~~-less than 2 years or a
5 fine of not more than \$2,000.00, or both.

6 (c) Lysergic acid diethylamide, peyote, mescaline,
7 dimethyltryptamine, psilocyn, psilocybin, or a controlled substance
8 classified in schedule 5 is guilty of a misdemeanor punishable by
9 imprisonment for not more than 1 year or a fine of not more than
10 \$2,000.00, or both.

11 (d) Marihuana or a substance listed in section 7212(1)(d) is
12 guilty of a misdemeanor punishable by imprisonment for not more
13 than 1 year or a fine of not more than \$2,000.00, or both.

14 (e) A prescription form is guilty of a misdemeanor punishable
15 by imprisonment for not more than 1 year or a fine of not more than
16 \$1,000.00, or both.

17 (3) The following individuals are not in violation of this
18 section:

19 (a) An individual who seeks medical assistance for ~~himself or~~
20 ~~herself~~-**the individual** or who requires medical assistance and is
21 presented for assistance by another individual if ~~he or she~~-**the**
22 **individual** is incapacitated because of a drug overdose or other
23 perceived medical emergency arising from the use of a controlled
24 substance or a controlled substance analogue that ~~he or she~~-**the**
25 **individual** possesses or possessed in an amount sufficient only for
26 personal use and the evidence of ~~his or her~~-**the individual's**
27 violation of this section is obtained as a result of the
28 individual's seeking or being presented for medical assistance.

29 (b) An individual who in good faith attempts to procure

1 medical assistance for another individual or who accompanies
2 another individual who requires medical assistance for a drug
3 overdose or other perceived medical emergency arising from the use
4 of a controlled substance or a controlled substance analogue that
5 ~~he or she~~ **the individual** possesses or possessed in an amount
6 sufficient only for personal use and the evidence of ~~his or her~~ **the**
7 **individual's** violation of this section is obtained as a result of
8 the individual's attempting to procure medical assistance for
9 another individual or as a result of the individual's accompanying
10 another individual who requires medical assistance to a health
11 facility or agency.

12 (4) A health facility or agency shall develop a process for
13 notification of the parent or parents, guardian, or custodian of a
14 minor under ~~the age of 18~~ **years of age** who is not emancipated under
15 1968 PA 293, MCL 722.1 to 722.6, and who voluntarily presents
16 ~~himself or herself,~~ **the minor**, or is presented by another
17 individual if ~~he or she~~ **the minor** is incapacitated, to a health
18 facility or agency for emergency medical treatment as provided in
19 subsection (3). A health facility or agency shall not provide
20 notification to a parent or parents, guardian, or custodian under
21 this subsection for nonemergency treatment without obtaining the
22 minor's consent.

23 (5) The exemption from prosecution under this section provided
24 in subsection (3) does not prevent the investigation, arrest,
25 charging, or prosecution of an individual for any other violation
26 of the laws of this state or be grounds for suppression of evidence
27 in the prosecution of any other criminal charges.

28 (6) If an individual was sentenced to lifetime probation under
29 subsection (2) (a) (iv) as it existed before March 1, 2003 and the

1 individual has served 5 or more years of that probationary period,
2 the probation officer for that individual may recommend to the
3 court that the court discharge the individual from probation. If an
4 individual's probation officer does not recommend discharge as
5 provided in this subsection, with notice to the prosecutor, the
6 individual may petition the court seeking resentencing under the
7 court rules. The court may discharge an individual from probation
8 as provided in this subsection. An individual may file more than 1
9 motion seeking resentencing under this subsection.

10 (7) As used in this section:

11 (a) "Drug overdose" means a condition, including, but not
12 limited to, extreme physical illness, decreased level of
13 consciousness, respiratory depression, coma, mania, or death, that
14 is the result of consumption or use of a controlled substance or a
15 controlled substance analogue or a substance with which the
16 controlled substance or controlled substance analogue was combined,
17 or that a layperson would reasonably believe to be a drug overdose
18 that requires medical assistance.

19 (b) "Seeks medical assistance" means reporting a drug overdose
20 or other medical emergency to law enforcement, the 9-1-1 system, a
21 poison control center, or a medical provider, or assisting someone
22 in reporting a drug overdose or other medical emergency.

23 Sec. 7404. (1) A person shall not use a controlled substance
24 or controlled substance analogue unless the substance was obtained
25 directly from, or pursuant to, a valid prescription or order of a
26 practitioner while acting in the course of the practitioner's
27 professional practice, or except as otherwise authorized by this
28 article.

29 (2) A person who violates this section as to:

(a) A controlled substance classified in schedule 1 or 2 as a narcotic drug or a drug described in section 7212(1)(h) or 7214(a)(iv) or (c)(ii) is guilty of a ~~misdemeanor~~ **felony** punishable by imprisonment for **life or any term of years but not more than 1 year** ~~more than 1 year~~ **2 years** or a fine of not more than \$2,000.00, or both.

(b) A controlled substance classified in schedule 1, 2, 3, or 4, except a controlled substance for which a penalty is prescribed in subdivision (a), (c), or (d), or a controlled substance analogue, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(c) Lysergic acid diethylamide, peyote, mescaline, dimethyltryptamine, psilocyn, psilocybin, or a controlled substance classified in schedule 5 is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$500.00, or both.

(d) Marihuana, catha edulis, salvia divinorum, or a substance described in section 7212(1)(d) or (i) is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both.

(3) The following individuals are not in violation of this section:

(a) An individual who seeks medical assistance for ~~himself or herself~~ **the individual** or who requires medical assistance and is presented for assistance by another individual if ~~he or she~~ **the individual** is incapacitated because of a drug overdose or other perceived medical emergency arising from the use of a controlled substance or a controlled substance analogue that ~~he or she~~ **the individual** possesses or possessed in an amount sufficient only for personal use and the evidence of ~~his or her~~ **the individual's**

1 violation of this section is obtained as a result of the
2 individual's seeking or being presented for medical assistance.

3 (b) An individual who in good faith attempts to procure
4 medical assistance for another individual or who accompanies
5 another individual who requires medical assistance for a drug
6 overdose or other perceived medical emergency arising from the use
7 of a controlled substance or a controlled substance analogue that
8 ~~he or she~~ **the individual** possesses or possessed in an amount
9 sufficient only for personal use and the evidence of ~~his or her~~ **the**
10 **individual's** violation of this section is obtained as a result of
11 the individual's attempting to procure medical assistance for
12 another individual or as a result of the individual's accompanying
13 another individual who requires medical assistance to a health
14 facility or agency.

15 (4) A health facility or agency shall develop a process for
16 notification of the parent or parents, guardian, or custodian of a
17 minor under ~~the age of 18~~ **years of age** who is not emancipated under
18 1968 PA 293, MCL 722.1 to 722.6, and who voluntarily presents
19 ~~himself or herself,~~ **the minor**, or is presented by another
20 individual if ~~he or she~~ **the minor** is incapacitated, to a health
21 facility or agency for emergency medical treatment as provided in
22 subsection (3). A health facility or agency shall not provide
23 notification to a parent or parents, guardian, or custodian under
24 this subsection for nonemergency treatment without obtaining the
25 minor's consent.

26 (5) The exemption from prosecution under this section provided
27 in subsection (3) does not prevent the investigation, arrest,
28 charging, or prosecution of an individual for any other violation
29 of the laws of this state, or be grounds for suppression of

1 evidence in the prosecution of any other criminal charges.

2 (6) As used in this section:

3 (a) "Drug overdose" means a condition, including, but not
4 limited to, extreme physical illness, decreased level of
5 consciousness, respiratory depression, coma, mania, or death, that
6 is the result of consumption or use of a controlled substance or a
7 controlled substance analogue or a substance with which the
8 controlled substance or controlled substance analogue was combined,
9 or that a layperson would reasonably believe to be a drug overdose
10 that requires medical assistance.

11 (b) "Seeks medical assistance" means reporting a drug overdose
12 or other medical emergency to law enforcement, the 9-1-1 system, a
13 poison control center, or a medical provider, or assisting someone
14 in reporting a drug overdose or other medical emergency.

15 Sec. 7405. (1) A person shall not do any of the following:

16 (a) If the person is licensed by the administrator under this
17 article, distribute, prescribe, or dispense a controlled substance
18 in violation of section 7333.

19 (b) If the person is a licensee, manufacture a controlled
20 substance not authorized by ~~his or her~~ **the person's** license or
21 distribute, prescribe, or dispense a controlled substance not
22 authorized by ~~his or her~~ **the person's** license to another licensee
23 or other authorized person, except as authorized by rules
24 promulgated by the administrator.

25 (c) Refuse an entry into any premises for an inspection
26 authorized by this article.

27 (d) Knowingly keep or maintain a store, shop, warehouse,
28 dwelling, building, vehicle, boat, aircraft, or other structure or
29 place that is frequented by persons using controlled substances in

1 violation of this article for the purpose of using controlled
2 substances or that is used for keeping or selling controlled
3 substances in violation of this article.

4 (e) If the person is a practitioner, dispense a controlled
5 substance under a prescription written and signed; written or
6 created in an electronic format, signed, and transmitted by
7 facsimile; or transmitted electronically or by other means of
8 communication by a physician prescriber, dentist prescriber, or
9 veterinarian prescriber licensed to practice in another state,
10 unless the prescription is issued by a physician prescriber,
11 dentist prescriber, or veterinarian prescriber who is authorized
12 under the laws of that state to practice dentistry, medicine,
13 osteopathic medicine and surgery, or veterinary medicine and to
14 prescribe controlled substances.

15 (2) ~~A-Except as provided in subsection (3),~~ a person who
16 violates subsection (1) is subject to the penalties prescribed in
17 section 7406.

18 (3) ~~A person who violates subsection (1) (d) is guilty of a~~
19 ~~felony punishable by imprisonment for life or any term of years but~~
20 ~~not less than 4 years or a fine of not more than \$25,000.00, or~~
21 ~~both.~~

22 Sec. 7406. ~~A-Except as provided in section 7405 for a~~
23 ~~violation of section 7405(1) (d),~~ a person who violates section 7405
24 may be punished by a civil fine of not more than \$25,000.00 in a
25 proceeding in the circuit court. However, if the violation is
26 prosecuted by a criminal indictment alleging that the violation was
27 committed knowingly or intentionally, and the trier of the fact
28 specifically finds that the violation was committed knowingly or
29 intentionally, the person is guilty of a misdemeanor, punishable by

1 imprisonment for not more than 2 years, or a fine of not more than
2 \$25,000.00, or both.

3 Sec. 7410. (1) Except as otherwise provided in subsections (2)
4 and (3), an individual 18 years of age or over who violates section
5 7401(2)(a)(iv) by delivering or distributing a controlled substance
6 listed in schedule 1 or 2 that is either a narcotic drug or
7 described in section 7214(a)(iv) to an individual under 18 years of
8 age who is at least 3 years the deliverer's or distributor's junior
9 may be punished by the fine authorized by section 7401(2)(a)(iv) or
10 by a term of imprisonment of not less than 1 year nor more than
11 twice that authorized by section 7401(2)(a)(iv), or both. An
12 individual 18 years of age or over who violates section 7401 or
13 7401b by delivering or distributing any other controlled substance
14 listed in schedules 1 to 5 or gamma-butyrolactone to an individual
15 under 18 years of age who is at least 3 years the distributor's
16 junior may be punished by the fine authorized by section
17 7401(2)(b), (c), or (d) or 7401b, or by a term of imprisonment not
18 more than twice that authorized by section 7401(2)(b), (c), or (d)
19 or 7401b, or both.

20 (2) An individual 18 years of age or over who violates section
21 7401(2)(a)(iv) by delivering a controlled substance described in
22 schedule 1 or 2 that is either a narcotic drug or described in
23 section 7214(a)(iv) to another person on or within 1,000 feet of
24 school property or a library shall be punished, subject to
25 subsection (5), by a term of imprisonment ~~of~~ **for life or any term**
26 **of years but** not less than ~~2-4 years or more than 3 times that~~
27 ~~authorized by section 7401(2)(a)(iv) and,~~ in addition, may be
28 punished by a fine of not more than 3 times that authorized by
29 section 7401(2)(a)(iv).

(3) An individual 18 years of age or over who violates section 7401(2) (a) (iv) by possessing with intent to deliver to another person on or within 1,000 feet of school property or a library a controlled substance described in schedule 1 or 2 that is either a narcotic drug or described in section 7214(a) (iv) shall be punished, subject to subsection (5), by a term of imprisonment ~~of~~ **for life or any term of years but** not less than ~~2-4~~ years ~~or more than twice that authorized by section 7401(2) (a) (iv)~~ and, in addition, may be punished by a fine of not more than 3 times that authorized by section 7401(2) (a) (iv) .

(4) An individual 18 years of age or over who violates section 7401b or 7403(2) (a) (v), (b), (c), or (d) by possessing gamma-butyrolactone or a controlled substance on or within 1,000 feet of school property or a library shall be punished by a term of imprisonment or a fine, or both, of not more than twice that authorized by section 7401b or 7403(2) (a) (v), (b), (c), or (d) .

(5) The court may depart from the minimum term of imprisonment authorized under subsection (2) or (3) if the court finds on the record that there are substantial and compelling reasons to do so.

(6) An individual 18 years of age or over who violates section 7401 by manufacturing methamphetamine as that term is described in section 7214(c) (ii) on or within 1,000 feet of school property or a library shall be punished by a term of imprisonment or a fine, or both, of not more than twice that authorized by section 7401(2) (b) (i) .

(7) A person who distributes marihuana without remuneration and not to further commercial distribution and who does not violate subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than

1 \$1,000.00, or both, unless the distribution is in accordance with
2 the federal law or the law of this state.

3 (8) As used in this section:

4 (a) "Library" means a library that is established by the
5 state; a county, city, township, village, school district, or other
6 local unit of government or authority or combination of local units
7 of government and authorities; a community college district; a
8 college or university; or any private library open to the public.

9 (b) "School property" means a building, playing field, or
10 property used for school purposes to impart instruction to children
11 in grades kindergarten through 12, when provided by a public,
12 private, denominational, or parochial school, except those
13 buildings used primarily for adult education or college extension
14 courses.

15 Sec. 17766c. (1) A person shall not do any of the following:

16 (a) Purchase more than 3.6 grams of ephedrine or
17 pseudoephedrine alone or in a mixture within a single calendar day.

18 (b) Purchase more than 9 grams of ephedrine or pseudoephedrine
19 alone or in a mixture within a 30-day period.

20 (c) Possess more than 12 grams of ephedrine or pseudoephedrine
21 alone or in a mixture.

22 (d) Purchase or possess any amount of ephedrine or
23 pseudoephedrine knowing or having reason to know that it is to be
24 used to manufacture methamphetamine.

25 (2) A person who violates this section is guilty of a crime as
26 follows:

27 (a) A person who violates subsection (1)(a) or (b) is guilty
28 of a misdemeanor punishable by imprisonment for not more than 93
29 days or a fine of not more than \$500.00, or both.

(b) A person who violates subsection (1)(c) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(c) A person who violates subsection (1)(d) is guilty of a felony punishable by imprisonment for **life or any term of years but not ~~more~~-less** than ~~5 years~~ **182 days** or a fine of not more than \$5,000.00, or both. This subdivision does not prohibit the person from being charged with, convicted of, and sentenced for any other violation of law arising out of the violation of subsection (1)(d).

(3) This section does not apply to any of the following:

(a) A person who possesses ephedrine or pseudoephedrine pursuant to a license issued by this state or the United States to manufacture, deliver, dispense, possess with intent to manufacture or deliver, or possess a controlled substance, prescription drug, or other drug.

(b) An individual who possesses ephedrine or pseudoephedrine pursuant to a prescription.

(c) A person who possesses ephedrine or pseudoephedrine for retail sale pursuant to a license issued under the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78.

(d) A person who possesses ephedrine or pseudoephedrine in the course of ~~his or her~~ **the person's** business of selling or transporting ephedrine or pseudoephedrine to a person described in subdivision (a) or (c).

(e) A person who, in the course of ~~his or her~~ **the person's** business, stores ephedrine or pseudoephedrine for sale or distribution to a person described in subdivision (a), (c), or (d).

(f) Any product that the state board of pharmacy, ~~upon~~ **on** application of a manufacturer, exempts from this section because

1 the product has been formulated in such a way as to effectively
2 prevent the conversion of the active ingredient into
3 methamphetamine.

4 (g) Possession of any pediatric product primarily intended for
5 administration to children under 12 years of age according to label
6 instructions.

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

HOUSE BILL NO. 5915

April 29, 2026, Introduced by Reps. Kuhn, Hoadley, St. Germaine, Wozniak, Pavlov and Bruck
and referred to Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 9 (MCL 28.729), as amended by 2020 PA 295.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) Except as provided in subsections (2), (3), and
2 (4), an individual required to be registered under this act who
3 willfully violates this act is guilty of a felony punishable as
4 follows:

5 (a) If the individual has no prior convictions for a violation
6 of this act, by imprisonment for not more than 4 years or a fine of

1 not more than \$2,000.00, or both.

2 (b) If the individual has 1 prior conviction for a violation
3 of this act, by imprisonment for **life or any term of years but** not
4 ~~more-less~~ than ~~7-2~~ years or a fine of not more than \$5,000.00, or
5 both.

6 (c) If the individual has 2 or more prior convictions for
7 violations of this act, by imprisonment for **life or any term of**
8 **years but** not ~~more-less~~ than ~~10-4~~ years or a fine of not more than
9 \$10,000.00, or both.

10 (2) An individual who willfully fails to comply with section
11 5a, other than payment of the fee required under section 5a(6), is
12 guilty of a misdemeanor punishable by imprisonment for not more
13 than 2 years or a fine of not more than \$2,000.00, or both.

14 (3) An individual who willfully fails to sign a registration
15 and notice as provided in section 7(4) is guilty of a misdemeanor
16 punishable by imprisonment for not more than 93 days or a fine of
17 not more than \$1,000.00, or both.

18 (4) An individual who willfully refuses or fails to pay the
19 registration fee prescribed in section 5a(6) or 7(1) within 90 days
20 of the date the individual reports under section 4a or 5a is guilty
21 of a misdemeanor punishable by imprisonment for not more than 90
22 days.

23 (5) The court shall revoke the probation of an individual
24 placed on probation who willfully violates this act.

25 (6) The court shall revoke the youthful trainee status of an
26 individual assigned to youthful trainee status who willfully
27 violates this act.

28 (7) The parole board shall rescind the parole of an individual
29 released on parole who willfully violates this act.

1 (8) An individual's failure to register as required by this
2 act or a violation of section 5 may be prosecuted in the judicial
3 district of any of the following:

4 (a) The individual's last registered address or residence.

5 (b) The individual's actual address or residence.

6 (c) Where the individual was arrested for the violation.

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

HOUSE BILL NO. 5916

April 29, 2026, Introduced by Reps. Kuhn, Hoadley, St. Germaine, Wozniak, Pavlov and Bruck
and referred to Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2950 (MCL 600.2950), as amended by 2018 PA 146.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2950. (1) Except as otherwise provided in subsections
2 (26) and (27), by commencing an independent action to obtain relief
3 under this section, by joining a claim to an action, or by filing a
4 motion in an action in which the petitioner and the individual to
5 be restrained or enjoined are parties, an individual may petition
6 the family division of circuit court to enter a personal protection

1 order to restrain or enjoin a spouse, a former spouse, an
2 individual with whom ~~he or she~~ **the petitioner** has had a child in
3 common, an individual with whom ~~he or she~~ **the petitioner** has or has
4 had a dating relationship, or an individual residing or having
5 resided in the same household as the petitioner from doing 1 or
6 more of the following:

7 (a) Entering onto premises.

8 (b) Assaulting, attacking, beating, molesting, or wounding a
9 named individual.

10 (c) Threatening to kill or physically injure a named
11 individual.

12 (d) Removing minor children from the individual having legal
13 custody of the children, except as otherwise authorized by a
14 custody or parenting time order issued by a court of competent
15 jurisdiction.

16 (e) Purchasing or possessing a firearm.

17 (f) Interfering with petitioner's efforts to remove
18 petitioner's children or personal property from premises that are
19 solely owned or leased by the individual to be restrained or
20 enjoined.

21 (g) Interfering with petitioner at petitioner's place of
22 employment or education or engaging in conduct that impairs
23 petitioner's employment or educational relationship or environment.

24 (h) If the petitioner is a minor who has been the victim of
25 sexual assault, as that term is defined in section 2950a, by the
26 respondent and if the petitioner is enrolled in a public or
27 nonpublic school that operates any of grades K to 12, attending
28 school in the same building as the petitioner.

29 (i) Having access to information in records concerning a minor

1 child of both petitioner and respondent that will inform respondent
2 about the address or telephone number of petitioner and
3 petitioner's minor child or about petitioner's employment address.

4 (j) Engaging in conduct that is prohibited under section 411h
5 or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
6 750.411i.

7 (k) Any of the following with the intent to cause the
8 petitioner mental distress or to exert control over the petitioner
9 with respect to an animal in which the petitioner has an ownership
10 interest:

11 (i) Injuring, killing, torturing, neglecting, or threatening to
12 injure, kill, torture, or neglect the animal. A restraining order
13 that enjoins conduct under this subparagraph does not prohibit the
14 lawful killing or other use of the animal as described in section
15 ~~50(11)~~ **50(12)** of the Michigan penal code, 1931 PA 328, MCL 750.50.

16 (ii) Removing the animal from the petitioner's possession.

17 (iii) Retaining or obtaining possession of the animal.

18 (l) Any other specific act or conduct that imposes ~~upon~~ **on** or
19 interferes with personal liberty or that causes a reasonable
20 apprehension of violence.

21 (2) If the respondent is a person who is issued a license to
22 carry a concealed weapon and is required to carry a weapon as a
23 condition of ~~his or her~~ **the respondent's** employment, a police
24 officer licensed or certified by the Michigan commission on law
25 enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, a
26 sheriff, a deputy sheriff or a member of the Michigan department of
27 state police, a local corrections officer, department of
28 corrections employee, or a federal law enforcement officer who
29 carries a firearm during the normal course of ~~his or her~~

1 employment, the petitioner shall notify the court of the
2 respondent's occupation before issuance of the personal protection
3 order. This subsection does not apply to a petitioner who does not
4 know the respondent's occupation.

5 (3) A petitioner may omit ~~his or her~~ **the petitioner's** address
6 of residence from documents filed with the court under this
7 section. If a petitioner omits ~~his or her~~ **the petitioner's** address
8 of residence, the petitioner shall provide the court with a mailing
9 address.

10 (4) The court shall issue a personal protection order under
11 this section if the court determines that there is reasonable cause
12 to believe that the individual to be restrained or enjoined may
13 commit 1 or more of the acts listed in subsection (1). In
14 determining whether reasonable cause exists, the court shall
15 consider all of the following:

16 (a) Testimony, documents, or other evidence offered in support
17 of the request for a personal protection order.

18 (b) Whether the individual to be restrained or enjoined has
19 previously committed or threatened to commit 1 or more of the acts
20 listed in subsection (1).

21 (5) A court shall not issue a personal protection order that
22 restrains or enjoins conduct described in subsection (1)(a) if all
23 of the following apply:

24 (a) The individual to be restrained or enjoined is not the
25 spouse of the moving party.

26 (b) The individual to be restrained or enjoined or the parent,
27 guardian, or custodian of the minor to be restrained or enjoined
28 has a property interest in the premises.

29 (c) The moving party or the parent, guardian, or custodian of

1 a minor petitioner has no property interest in the premises.

2 (6) A court shall not refuse to issue a personal protection
3 order solely because of the absence of any of the following:

4 (a) A police report.

5 (b) A medical report.

6 (c) A report or finding of an administrative agency.

7 (d) Physical signs of abuse or violence.

8 (7) If the court refuses to grant a personal protection order,
9 it shall state immediately in writing the specific reasons it
10 refused to issue a personal protection order. If a hearing is held,
11 the court shall also immediately state on the record the specific
12 reasons it refuses to issue a personal protection order.

13 (8) A court shall not issue a mutual personal protection
14 order. Correlative separate personal protection orders are
15 prohibited unless both parties have properly petitioned the court
16 under subsection (1).

17 (9) A personal protection order is effective and immediately
18 enforceable anywhere in this state after being signed by a judge.
19 ~~Upon~~ **On** service, a personal protection order may also be enforced
20 by another state, an Indian tribe, or a territory of the United
21 States.

22 (10) The issuing court shall designate a law enforcement
23 agency that is responsible for entering a personal protection order
24 into the law enforcement information network as provided by the
25 C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

26 (11) A personal protection order must include all of the
27 following, to the extent practicable in a single form:

28 (a) A statement that the personal protection order has been
29 entered to restrain or enjoin conduct listed in the order and that

1 violation of the personal protection order will subject the
2 individual restrained or enjoined to 1 or more of the following:

3 (i) If the respondent is ~~17-18~~ years of age or older, immediate
4 arrest and ~~the civil and criminal contempt powers of the court and,~~
5 ~~if he or she is found guilty of criminal contempt,~~ **charging with a**
6 **felony, and, if the respondent is found guilty, the court shall**
7 **sentence the respondent to imprisonment for life or any term of**
8 **years but not more than 93 days less than 182 days** and a fine of
9 not more than \$500.00.

10 (ii) If the respondent is less than ~~17-18~~ years of age,
11 immediate apprehension or being taken into custody and the
12 dispositional alternatives listed in section 18 of chapter XIIIA of
13 the probate code of 1939, 1939 PA 288, MCL 712A.18.

14 (iii) If the respondent violates the personal protection order
15 in a jurisdiction other than this state, the enforcement procedures
16 and penalties of the state, Indian tribe, or United States
17 territory under whose jurisdiction the violation occurred.

18 (b) A statement that the personal protection order is
19 effective and immediately enforceable anywhere in this state after
20 being signed by a judge and that, ~~upon~~ **on** service, a personal
21 protection order also may be enforced by another state, an Indian
22 tribe, or a territory of the United States.

23 (c) A statement listing the type or types of conduct enjoined.

24 (d) An expiration date stated clearly on the face of the
25 order.

26 (e) A statement that the personal protection order is
27 enforceable anywhere in this state by any law enforcement agency.

28 (f) The name of the law enforcement agency designated by the
29 court to enter the personal protection order into the law

1 enforcement information network.

2 (g) For ex parte orders, a statement that the individual
3 restrained or enjoined may file a motion to modify or rescind the
4 personal protection order and request a hearing within 14 days
5 after the individual restrained or enjoined has been served or has
6 received actual notice of the order and that motion forms and
7 filing instructions are available from the clerk of the court.

8 (12) A court shall issue an ex parte personal protection order
9 without written or oral notice to the individual restrained or
10 enjoined or ~~his or her~~ **the individual's** attorney if it clearly
11 appears from specific facts shown by a verified complaint, written
12 motion, or affidavit that immediate and irreparable injury, loss,
13 or damage will result from the delay required to effectuate notice
14 or that the notice will itself precipitate adverse action before a
15 personal protection order can be issued.

16 (13) A personal protection order issued under subsection (12)
17 is valid for not less than 182 days. The individual restrained or
18 enjoined may file a motion to modify or rescind the personal
19 protection order and request a hearing under the Michigan court
20 rules. A motion to modify or rescind the personal protection order
21 must be filed within 14 days after the order is served or after the
22 individual restrained or enjoined has received actual notice of the
23 personal protection order unless good cause is shown for filing the
24 motion after the 14 days have elapsed.

25 (14) Except as otherwise provided in this subsection, the
26 court shall schedule a hearing on a motion to modify or rescind the
27 ex parte personal protection order within 14 days after the motion
28 is filed. If the respondent is a person described in subsection (2)
29 and the personal protection order prohibits ~~him or her~~ **the person**

1 from purchasing or possessing a firearm, the court shall schedule a
2 hearing on the motion to modify or rescind the ex parte personal
3 protection order within 5 days after the motion is filed.

4 (15) The clerk of the court that issues a personal protection
5 order shall do all of the following immediately ~~upon~~**on** issuance
6 and without requiring a proof of service on the individual
7 restrained or enjoined:

8 (a) File a true copy of the personal protection order with the
9 law enforcement agency designated by the court in the personal
10 protection order.

11 (b) Provide the petitioner with 2 or more true copies of the
12 personal protection order.

13 (c) If the respondent is identified in the pleadings as a law
14 enforcement officer, notify the officer's employing law enforcement
15 agency, if known, about the existence of the personal protection
16 order.

17 (d) If the personal protection order prohibits the respondent
18 from purchasing or possessing a firearm, notify the county clerk of
19 the respondent's county of residence about the existence and
20 contents of the personal protection order.

21 (e) If the respondent is identified in the pleadings as a
22 department of corrections employee, notify the state department of
23 corrections about the existence of the personal protection order.

24 (f) If the respondent is identified in the pleadings as being
25 a person who may have access to information concerning the
26 petitioner or a child of the petitioner or respondent and that
27 information is contained in friend of the court records, notify the
28 friend of the court for the county in which the information is
29 located about the existence of the personal protection order.

1 (16) The clerk of the court shall inform the petitioner that
2 ~~he or she~~**the petitioner** may take a true copy of the personal
3 protection order to the law enforcement agency designated by the
4 court under subsection (10) to be immediately entered into the law
5 enforcement information network.

6 (17) The law enforcement agency that receives a true copy of a
7 personal protection order under subsection (15) or (16) shall
8 immediately and without requiring proof of service enter the
9 personal protection order into the law enforcement information
10 network as provided by the C.J.I.S. policy council act, 1974 PA
11 163, MCL 28.211 to 28.215.

12 (18) A personal protection order issued under this section
13 must be served personally or by registered or certified mail,
14 return receipt requested, delivery restricted to the addressee at
15 the last known address or addresses of the individual restrained or
16 enjoined or by any other manner allowed by the Michigan court
17 rules. If the individual restrained or enjoined has not been
18 served, a law enforcement officer or clerk of the court who knows
19 that a personal protection order exists may, at any time, serve the
20 individual restrained or enjoined with a true copy of the order or
21 advise the individual restrained or enjoined of the existence of
22 the personal protection order, the specific conduct enjoined, the
23 penalties for violating the order, and where the individual
24 restrained or enjoined may obtain a copy of the order. If the
25 respondent is less than 18 years of age, the parent, guardian, or
26 custodian of the individual must also be served personally or by
27 registered or certified mail, return receipt requested, delivery
28 restricted to the addressee at the last known address or addresses
29 of the parent, guardian, or custodian. A proof of service or proof

1 of oral notice must be filed with the clerk of the court issuing
2 the personal protection order. This subsection does not prohibit
3 the immediate effectiveness of a personal protection order or its
4 immediate enforcement under subsections (21) and (22).

5 (19) The clerk of the court that issued the personal
6 protection order shall immediately notify the law enforcement
7 agency that received the personal protection order under subsection
8 (15) or (16) if either of the following occurs:

9 (a) The clerk of the court receives proof that the individual
10 restrained or enjoined has been served.

11 (b) The personal protection order is rescinded, modified, or
12 extended by court order.

13 (20) The law enforcement agency that receives information
14 under subsection (19) shall enter the information or cause the
15 information to be entered into the law enforcement information
16 network as provided by the C.J.I.S. policy council act, 1974 PA
17 163, MCL 28.211 to 28.215.

18 (21) Subject to subsection (22), a personal protection order
19 is immediately enforceable anywhere in this state by any law
20 enforcement agency that has received a true copy of the order, is
21 shown a copy of it, or has verified its existence on the law
22 enforcement information network as provided by the C.J.I.S. policy
23 council act, 1974 PA 163, MCL 28.211 to 28.215.

24 (22) If the individual restrained or enjoined has not been
25 served, a law enforcement agency or officer responding to a call
26 alleging a violation of a personal protection order shall serve the
27 individual restrained or enjoined with a true copy of the order or
28 advise the individual restrained or enjoined of the existence of
29 the personal protection order, the specific conduct enjoined, the

1 penalties for violating the order, and where the individual
2 restrained or enjoined may obtain a copy of the order. The law
3 enforcement officer shall enforce the personal protection order and
4 immediately enter or cause to be entered into the law enforcement
5 information network that the individual restrained or enjoined has
6 actual notice of the personal protection order. The law enforcement
7 officer also shall file a proof of service or proof of oral notice
8 with the clerk of the court issuing the personal protection order.
9 If the individual restrained or enjoined has not received notice of
10 the personal protection order, the individual restrained or
11 enjoined must be given an opportunity to comply with the personal
12 protection order before the law enforcement officer makes a
13 custodial arrest for violation of the personal protection order.
14 The failure to immediately comply with the personal protection
15 order is grounds for an immediate custodial arrest. This subsection
16 does not preclude an arrest under section 15 or 15a of chapter IV
17 of the code of criminal procedure, 1927 PA 175, MCL 764.15 and
18 764.15a, or a proceeding under section 14 of chapter XIIIA of the
19 probate code of 1939, 1939 PA 288, MCL 712A.14.

20 (23) An individual who is ~~17-18~~ years of age or older and who
21 refuses or fails to comply with a personal protection order under
22 this section is ~~subject to the criminal contempt powers of the~~
23 ~~court and, if found guilty, must be imprisoned for not more than 93~~
24 ~~days and may be fined not more than \$500.00. **guilty of a felony.**~~
25 **The court shall sentence the person to imprisonment for life or any**
26 **term of years but not less than 182 days or a fine of not more than**
27 **\$500.00, or both.** An individual who is less than ~~17-18~~ years of age
28 and who refuses or fails to comply with a personal protection order
29 issued under this section is subject to the dispositional

1 alternatives listed in section 18 of chapter XIIIA of the probate
2 code of 1939, 1939 PA 288, MCL 712A.18. The criminal penalty
3 provided under this section may be imposed in addition to a penalty
4 that may be imposed for another criminal offense arising from the
5 same conduct.

6 (24) An individual who knowingly and intentionally makes a
7 false statement to the court in support of ~~his or her~~ **the**
8 **individual's** petition for a personal protection order is subject to
9 the contempt powers of the court.

10 (25) A personal protection order issued under this section is
11 also enforceable under section 15b of chapter IV of the code of
12 criminal procedure, 1927 PA 175, MCL 764.15b, and chapter 17.

13 (26) A court shall not issue a personal protection order that
14 restrains or enjoins conduct described in subsection (1) if any of
15 the following apply:

16 (a) The respondent is the unemancipated minor child of the
17 petitioner.

18 (b) The petitioner is the unemancipated minor child of the
19 respondent.

20 (c) The respondent is a minor child less than 10 years of age.

21 (27) If the respondent is less than 18 years of age, issuance
22 of a personal protection order under this section is subject to
23 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1
24 to 712A.32.

25 (28) A personal protection order that is issued before March
26 1, 1999 is not invalid on the ground that it does not comply with 1
27 or more of the requirements added by 1998 PA 477.

28 (29) For purposes of subsection (1)(k), a petitioner has an
29 ownership interest in an animal if 1 or more of the following are

1 applicable:

2 (a) The petitioner has a right of property in the animal.

3 (b) The petitioner keeps or harbors the animal.

4 (c) The animal is in the petitioner's care.

5 (d) The petitioner permits the animal to remain on or about
6 premises occupied by the petitioner.

7 (30) As used in this section:

8 (a) "Dating relationship" means frequent, intimate
9 associations primarily characterized by the expectation of
10 affectional involvement. Dating relationship does not include a
11 casual relationship or an ordinary fraternization between 2
12 individuals in a business or social context.

13 (b) "Federal law enforcement officer" means an officer or
14 agent employed by a law enforcement agency of the United States
15 government whose primary responsibility is the enforcement of laws
16 of the United States.

17 (c) "Neglect" means that term as defined in section 50 of the
18 Michigan penal code, 1931 PA 328, MCL 750.50.

19 (d) "Personal protection order" means an injunctive order
20 issued by the family division of circuit court restraining or
21 enjoining activity and individuals listed in subsection (1).

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

HOUSE BILL NO. 5917

April 29, 2026, Introduced by Reps. Pavlov, Hoadley, St. Germaine, Wozniak and Bruck and referred to Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 81, 81a, 81d, 82, 83, 84, 85, 86, 87, 88, 89,
91, 110a, 111, 122, 136b, 145a, 145c, 159j, 174, 174a, 193, 195,
197c, 207, 213, 218, 224f, 227b, 234a, 317, 317a, 321, 349, 349b,
356, 356a, 356c, 356d, 357, 357b, 360, 362, 377a, 377b, 380, 383a,
411h, 411i, 411u, 451, 459, 479, 479a, 479b, 483a, 520b, 520c,
520d, 520e, 520g, 529, 529a, 530, 531, and 553 (MCL 750.81,
750.81a, 750.81d, 750.82, 750.83, 750.84, 750.85, 750.86, 750.87,
750.88, 750.89, 750.91, 750.110a, 750.111, 750.122, 750.136b,

750.145a, 750.145c, 750.159j, 750.174, 750.174a, 750.193, 750.195, 750.197c, 750.207, 750.213, 750.218, 750.224f, 750.227b, 750.234a, 750.317, 750.317a, 750.321, 750.349, 750.349b, 750.356, 750.356a, 750.356c, 750.356d, 750.357, 750.357b, 750.360, 750.362, 750.377a, 750.377b, 750.380, 750.383a, 750.411h, 750.411i, 750.411u, 750.451, 750.459, 750.479, 750.479a, 750.479b, 750.483a, 750.520b, 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a, 750.530, 750.531, and 750.553), sections 81 and 81a as amended by 2023 PA 271, section 81d as amended by 2006 PA 517, section 82 as amended by 2023 PA 272, section 84 as amended by 2012 PA 367, section 85 as added by 2005 PA 335, section 110a as amended by 1999 PA 44, section 111 as amended by 2008 PA 10, section 122 as added by 2000 PA 452, section 136b as amended by 2020 PA 49, section 145a as amended by 2002 PA 45, section 145c as amended by 2018 PA 373, section 159j as amended by 2006 PA 129, section 174 as amended by 2019 PA 173, section 174a as amended by 2013 PA 34, section 193 as amended by 1998 PA 510, section 195 as amended by 1987 PA 212, section 197c as amended by 2006 PA 535, sections 207 and 520b as amended by 2014 PA 23, section 218 as amended by 2011 PA 201, section 224f as amended by 2023 PA 201, section 227b as amended by 2015 PA 26, section 234a as amended by 2014 PA 191, section 317a as added by 2005 PA 167, section 349 as amended by 2014 PA 330, section 349b as added by 2006 PA 160, section 356 as amended by 2013 PA 217, section 356a as amended by 2008 PA 476, sections 356c and 356d as amended by 1998 PA 311, section 357b as added by 1990 PA 321, sections 377a, 380, and 411h as amended by 2023 PA 199, section 383a as amended by 2008 PA 413, section 411i as amended by 1997 PA 65, section 411u as added by 2008 PA 564, section 451 as amended by 2016 PA 338, section 459 as amended by 2016 PA 485,

section 479 as amended by 2002 PA 270, section 479a as amended by 2012 PA 60, section 479b as added by 1994 PA 33, section 483a as amended by 2023 PA 49, section 520c as amended by 2012 PA 372, sections 520d and 520e as amended by 2023 PA 126, section 529 as amended by 2020 PA 313, sections 529a and 530 as amended by 2004 PA 128, and section 553 as added by 2014 PA 224; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81. (1) Except as otherwise provided in this section, a
2 person who assaults or assaults and batters an individual, if no
3 other punishment is prescribed by law, is guilty of a ~~misdemeanor~~
4 **felony** punishable by imprisonment for **life or any term of years but**
5 not ~~more~~-**less** than ~~93 days~~-**1 year** or a fine of not more than
6 \$500.00, or both. If the victim of a violation under this
7 subsection is a health professional or medical volunteer and the
8 violation occurs while the victim is performing the victim's duties
9 as a health professional or medical volunteer, the person is guilty
10 of a misdemeanor punishable by imprisonment for not more than 93
11 days or a fine of not more than \$1,000.00, or both. The enhanced
12 fine under this subsection does not apply if the defendant is a
13 patient who is receiving treatment from the victim.

14 (2) Except as provided in subsection (3), (4), or (5), an
15 individual who assaults or assaults and batters the individual's
16 spouse or former spouse, an individual with whom the individual has
17 or has had a dating relationship, an individual with whom the
18 individual has had a child in common, or a resident or former
19 resident of the individual's household, is guilty of a ~~misdemeanor~~
20 **felony** punishable by imprisonment for **life or any term of years but**
21 not ~~more~~-**less** than ~~93 days~~-**4 years** or a fine of not more than

1 \$500.00, or both.

2 (3) An individual who assaults or assaults and batters an
3 individual who is pregnant and who knows the individual is pregnant
4 is guilty of a ~~misdemeanor~~ **felony** punishable by imprisonment for
5 **life or any term of years but** not ~~more~~ **less** than ~~93 days~~ **2 years** or
6 a fine of not more than \$500.00, or both.

7 (4) An individual who commits an assault or an assault and
8 battery in violation of subsection (2) or (3), and who has
9 previously been convicted of assaulting or assaulting and battering
10 an individual described in either subsection (2) or subsection (3)
11 under any of the following, is guilty of a ~~misdemeanor~~ **felony**
12 punishable by imprisonment for **life or any term of years but** not
13 ~~more~~ **less** than ~~1 year~~ **2 years and 6 months** or a fine of not more
14 than \$1,000.00, or both:

15 (a) This section or an ordinance of a political subdivision of
16 this state substantially corresponding to this section.

17 (b) Section 81a, 82, 83, 84, or 86.

18 (c) A law of another state or an ordinance of a political
19 subdivision of another state substantially corresponding to this
20 section or section 81a, 82, 83, 84, or 86.

21 (5) An individual who commits an assault or an assault and
22 battery in violation of subsection (2) or (3), and who has 2 or
23 more previous convictions for assaulting or assaulting and
24 battering an individual described in either subsection (2) or
25 subsection (3) under any of the following, is guilty of a felony
26 punishable by imprisonment for **life or any term of years but** not
27 ~~more~~ **less** than ~~5 years~~ **1 year** or a fine of not more than \$5,000.00,
28 or both:

29 (a) This section or an ordinance of a political subdivision of

1 this state substantially corresponding to this section.

2 (b) Section 81a, 82, 83, 84, or 86.

3 (c) A law of another state or an ordinance of a political
4 subdivision of another state substantially corresponding to this
5 section or section 81a, 82, 83, 84, or 86.

6 (6) This section does not apply to an individual using
7 necessary reasonable physical force in compliance with section 1312
8 of the revised school code, 1976 PA 451, MCL 380.1312.

9 (7) The operator of a health facility or agency or a hospital
10 or psychiatric hospital shall post a sign in the health facility or
11 agency or hospital or psychiatric hospital in a prominent and
12 visible location that provides that a person, other than a patient
13 receiving treatment, who assaults a health professional or medical
14 volunteer in violation of this section is subject to the enhanced
15 fine provided for in this section and that a patient receiving
16 treatment who assaults a health professional or medical volunteer
17 may still be subject to prosecution under this section.

18 (8) As used in this section:

19 (a) "Dating relationship" means frequent, intimate
20 associations primarily characterized by the expectation of
21 affectional involvement. This term does not include a casual
22 relationship or an ordinary fraternization between 2 individuals in
23 a business or social context.

24 (b) "Health facility or agency" means a health facility or
25 agency licensed under article 17 of the public health code, 1978 PA
26 368, MCL 333.20101 to 333.22260.

27 (c) "Health professional" means an individual who is employed
28 or granted privileges by or under contract with a hospital or
29 psychiatric hospital, health facility or agency, health system, or

1 health care provider, whether operated by a governmental unit or a
 2 private entity, and whose duties within the scope of that
 3 employment, privilege, or contract involve the provision of direct
 4 patient care and require licensure, registration, certification, or
 5 other regulation or authorization under the public health code,
 6 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing
 7 indirect patient care under the direction of a hospital or
 8 psychiatric hospital, health facility or agency, health system, or
 9 health care provider.

10 (d) "Hospital or psychiatric hospital" means a hospital or
 11 psychiatric hospital licensed under the mental health code, 1974 PA
 12 258, MCL 330.1001 to 330.2106.

13 (e) "Medical volunteer" means an individual who is
 14 volunteering at a hospital or psychiatric hospital, health facility
 15 or agency, in a health system, or with a health care provider,
 16 whether operated by a governmental unit or a private entity, and
 17 whose duties as a volunteer involve the provision of direct patient
 18 care, or who is providing indirect patient care under the direction
 19 of a hospital or psychiatric hospital, health facility or agency,
 20 health system, or health care provider.

21 Sec. 81a. (1) Except as otherwise provided in this section, a
 22 person who assaults an individual without a weapon and inflicts
 23 serious or aggravated injury upon that individual without intending
 24 to commit murder or to inflict great bodily harm less than murder
 25 is guilty of a ~~misdemeanor~~ **felony** punishable by imprisonment for
 26 **life or any term of years but** not ~~more~~ **less** than ~~1 year~~ **2 years** or
 27 a fine of not more than \$1,000.00, or both. If the victim of a
 28 violation under this subsection is a health professional or medical
 29 volunteer and the violation occurs while the victim is performing

1 the victim's duties as a health professional or medical volunteer,
2 the person is guilty of a misdemeanor punishable by imprisonment
3 for not more than 1 year or a fine of not more than \$2,000.00, or
4 both. The enhanced fine under this subsection does not apply if the
5 defendant is a patient who is receiving treatment from the victim.

6 (2) Except as provided in subsection (3), an individual who
7 assaults the individual's spouse or former spouse, an individual
8 with whom the individual has or has had a dating relationship, an
9 individual with whom the individual has had a child in common, or a
10 resident or former resident of the same household without a weapon
11 and inflicts serious or aggravated injury upon that individual
12 without intending to commit murder or to inflict great bodily harm
13 less than murder is guilty of a ~~misdemeanor~~-**felony** punishable by
14 imprisonment for **life or any term of years but** not ~~more~~-**less** than ~~1~~
15 ~~year~~-**2 years** or a fine of not more than \$1,000.00, or both.

16 (3) An individual who commits an assault and battery in
17 violation of subsection (2), and who has 1 or more previous
18 convictions for assaulting or assaulting and battering the
19 individual's spouse or former spouse, an individual with whom the
20 individual has or has had a dating relationship, an individual with
21 whom the individual has had a child in common, or a resident or
22 former resident of the same household, in violation of any of the
23 following, is guilty of a felony punishable by imprisonment for
24 **life or any term of years but** not ~~more~~-**less** than ~~5~~-**10** years or a
25 fine of not more than \$5,000.00, or both:

26 (a) This section or an ordinance of a political subdivision of
27 this state substantially corresponding to this section.

28 (b) Section 81, 82, 83, 84, or 86.

29 (c) A law of another state or an ordinance of a political

subdivision of another state substantially corresponding to this section or section 81, 82, 83, 84, or 86.

(4) The operator of a health facility or agency or a hospital or psychiatric hospital shall post a sign in the health facility or agency or hospital or psychiatric hospital in a prominent and visible location that provides that a person, other than a patient receiving treatment, who assaults a health professional or medical volunteer in violation of this section is subject to the enhanced fine provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section.

(5) As used in this section:

(a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(b) "Health facility or agency" means a health facility or agency licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(c) "Health professional" means an individual who is employed or granted privileges by or under contract with a hospital or psychiatric hospital, health facility or agency, health system, or health care provider, whether operated by a governmental unit or a private entity, and whose duties within the scope of that employment, privilege, or contract involve the provision of direct patient care and require licensure, registration, certification, or other regulation or authorization under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing

1 indirect patient care under the direction of a hospital or
2 psychiatric hospital, health facility or agency, health system, or
3 health care provider.

4 (d) "Hospital or psychiatric hospital" means a hospital or
5 psychiatric hospital licensed under the mental health code, 1974 PA
6 258, MCL 330.1001 to 330.2106.

7 (e) "Medical volunteer" means an individual who is
8 volunteering at a hospital or psychiatric hospital, health facility
9 or agency, in a health system, or with a health care provider,
10 whether operated by a governmental unit or a private entity, and
11 whose duties as a volunteer involve the provision of direct patient
12 care, or who is providing indirect patient care under the direction
13 of a hospital or psychiatric hospital, health facility or agency,
14 health system, or health care provider.

15 Sec. 81d. (1) Except as provided in subsections (2), (3), and
16 (4), an individual who assaults, batters, wounds, resists,
17 obstructs, opposes, or endangers a person who the individual knows
18 or has reason to know is performing his or her duties is guilty of
19 a felony punishable by imprisonment for **life or any term of years**
20 **but** not ~~more~~-**less** than 2 years or a fine of not more than
21 \$2,000.00, or both.

22 (2) An individual who assaults, batters, wounds, resists,
23 obstructs, opposes, or endangers a person who the individual knows
24 or has reason to know is performing his or her duties causing a
25 bodily injury requiring medical attention or medical care to that
26 person is guilty of a felony punishable by imprisonment for **life or**
27 **any term of years but** not ~~more~~-**less** than 4 years or a fine of not
28 more than \$5,000.00, or both.

29 (3) An individual who assaults, batters, wounds, resists,

1 obstructs, opposes, or endangers a person who the individual knows
2 or has reason to know is performing his or her duties causing a
3 serious impairment of a body function of that person is guilty of a
4 felony punishable by imprisonment for **life or any term of years but**
5 not ~~more~~-**less** than ~~15~~-**8** years or a fine of not more than
6 \$10,000.00, or both.

7 (4) An individual who assaults, batters, wounds, resists,
8 obstructs, opposes, or endangers a person who the individual knows
9 or has reason to know is performing his or her duties causing the
10 death of that person is guilty of a felony punishable by
11 imprisonment for not more than 20 years or a fine of not more than
12 \$20,000.00, or both.

13 (5) This section does not prohibit an individual from being
14 charged with, convicted of, or punished for any other violation of
15 law that is committed by that individual while violating this
16 section.

17 (6) A term of imprisonment imposed for a violation of this
18 section may run consecutively to any term of imprisonment imposed
19 for another violation arising from the same transaction.

20 (7) As used in this section:

21 (a) "Obstruct" includes the use or threatened use of physical
22 interference or force or a knowing failure to comply with a lawful
23 command.

24 (b) "Person" means any of the following:

25 (i) A police officer of this state or of a political
26 subdivision of this state, including, but not limited to, a motor
27 carrier officer or capitol security officer of the department of
28 state police.

29 (ii) A police officer of a junior college, college, or

1 university who is authorized by the governing board of that junior
 2 college, college, or university to enforce state law and the rules
 3 and ordinances of that junior college, college, or university.

4 (iii) A conservation officer of the department of natural
 5 resources or the department of ~~environmental quality~~**environment**,
 6 **Great Lakes, and energy.**

7 (iv) A conservation officer of the United States ~~department of~~
 8 ~~the interior~~**Department of the Interior.**

9 (v) A sheriff or deputy sheriff.

10 (vi) A constable.

11 (vii) A peace officer of a duly authorized police agency of the
 12 United States, including, but not limited to, an agent of the
 13 ~~secret service or department of justice~~**Secret Service or**
 14 **Department of Justice.**

15 (viii) A firefighter.

16 (ix) Any emergency medical service personnel described in
 17 section 20950 of the public health code, 1978 PA 368, MCL
 18 333.20950.

19 (x) An individual engaged in a search and rescue operation as
 20 that term is defined in section 50c.

21 (c) "Serious impairment of a body function" means that term as
 22 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
 23 MCL 257.58c.

24 Sec. 82. (1) Except as otherwise provided in this subsection
 25 or subsection (2), a person who assaults another person with a gun,
 26 revolver, pistol, knife, iron bar, club, brass knuckles, or other
 27 dangerous weapon without intending to commit murder or to inflict
 28 great bodily harm less than murder is guilty of a felony punishable
 29 by imprisonment for **life or any term of years but not more-less**

1 than 4 years or a fine of not more than \$2,000.00, or both. If the
2 victim of a violation under this subsection is a health
3 professional or medical volunteer and the violation occurs while
4 the victim is performing the victim's duties as a health
5 professional or medical volunteer, the person is guilty of a felony
6 punishable by imprisonment for not more than 4 years or a fine of
7 not more than \$4,000.00, or both. The enhanced fine under this
8 subsection does not apply if the defendant is a patient who is
9 receiving treatment from the victim.

10 (2) A person who violates subsection (1) in a weapon free
11 school zone is guilty of a felony punishable by 1 or more of the
12 following:

13 (a) Imprisonment for not more than 4 years.

14 (b) Community service for not more than 150 hours.

15 (c) A fine of not more than \$6,000.00.

16 (3) The operator of a health facility or agency or a hospital
17 or psychiatric hospital shall post a sign in the health facility or
18 agency or hospital or psychiatric hospital in a prominent and
19 visible location that provides that a person, other than a patient
20 receiving treatment, who assaults a health professional or medical
21 volunteer in violation of this section is subject to the enhanced
22 fine as provided for in this section and that a patient receiving
23 treatment who assaults a health professional or medical volunteer
24 may still be subject to prosecution under this section.

25 (4) As used in this section:

26 (a) "Health facility or agency" means a health facility or
27 agency licensed under article 17 of the public health code, 1978 PA
28 368, MCL 333.20101 to 333.22260.

29 (b) "Health professional" means an individual who is employed

1 or granted privileges by or under contract with a hospital or
2 psychiatric hospital, health facility or agency, health system, or
3 health care provider, whether operated by a governmental unit or a
4 private entity, and whose duties within the scope of that
5 employment, privilege, or contract involve the provision of direct
6 patient care and require licensure, registration, certification, or
7 other regulation or authorization under the public health code,
8 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing
9 indirect patient care under the direction of a hospital or
10 psychiatric hospital, health facility or agency, health system, or
11 health care provider.

12 (c) "Hospital or psychiatric hospital" means a hospital or
13 psychiatric hospital licensed under the mental health code, 1974 PA
14 258, MCL 330.1001 to 330.2106.

15 (d) "Medical volunteer" means an individual who is
16 volunteering at a hospital or psychiatric hospital, health facility
17 or agency, in a health system, or with a health care provider,
18 whether operated by a governmental unit or a private entity, and
19 whose duties as a volunteer involve the provision of direct patient
20 care, or who is providing indirect patient care under the direction
21 of a hospital or psychiatric hospital, health facility or agency,
22 health system, or health care provider.

23 (e) "School" means a public, private, denominational, or
24 parochial school offering developmental kindergarten, kindergarten,
25 or any grade from 1 through 12.

26 (f) "School property" means a building, playing field, or
27 property used for school purposes to impart instruction to children
28 or used for functions and events sponsored by a school, except a
29 building used primarily for adult education or college extension

1 courses.

2 (g) "Weapon free school zone" means school property and a
3 vehicle used by a school to transport students to or from school
4 property.

5 Sec. 83. ~~Assault with intent to commit murder—Any~~ **A** person who
6 ~~shall assault~~ **assaults** another with intent to commit the crime of
7 murder ~~, shall be~~ **is** guilty of a felony, punishable by imprisonment
8 ~~in the state prison for life or any number~~ **term** of years **but not**
9 **less than 15 years.**

10 Sec. 84. (1) A person who ~~does either of the following~~
11 **assaults another person with intent to do great bodily harm, less**
12 **than the crime of murder** is guilty of a felony punishable by
13 imprisonment for **life or any term of years but not more** ~~less~~ than
14 ~~10~~ **7** years **and 6 months** or a fine of not more than \$5,000.00, or
15 both. +

16 ~~(a) Assaults another person with intent to do great bodily~~
17 ~~harm, less than the crime of murder.~~

18 **(2)** ~~(b) Assaults~~ **A person who assaults** another person by
19 strangulation or suffocation **is guilty of a felony punishable by**
20 **imprisonment for life or any term of years but not less than 4**
21 **years.**

22 **(3)** ~~(2)~~ As used in this section, "strangulation or
23 suffocation" means intentionally impeding normal breathing or
24 circulation of the blood by applying pressure on the throat or neck
25 or by blocking the nose or mouth of another person.

26 **(4)** ~~(3)~~ This section does not prohibit a person from being
27 charged with, convicted of, or punished for any other violation of
28 law arising out of the same conduct as the violation of this
29 section.

1 Sec. 85. (1) A person who, with the intent to cause cruel or
2 extreme physical or mental pain and suffering, inflicts great
3 bodily injury or severe mental pain or suffering upon another
4 person within his or her custody or physical control commits
5 torture and is guilty of a felony punishable by imprisonment for
6 life or any term of years **but not less than 25 years.**

7 (2) As used in this section:

8 (a) "Cruel" means brutal, inhuman, sadistic, or that which
9 torments.

10 (b) "Custody or physical control" means the forcible
11 restriction of a person's movements or forcible confinement of the
12 person so as to interfere with that person's liberty, without that
13 person's consent or without lawful authority.

14 (c) "Great bodily injury" means either of the following:

15 (i) Serious impairment of a body function as that term is
16 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
17 MCL 257.58c.

18 (ii) One or more of the following conditions: internal injury,
19 poisoning, serious burns or scalding, severe cuts, or multiple
20 puncture wounds.

21 (d) "Severe mental pain or suffering" means a mental injury
22 that results in a substantial alteration of mental functioning that
23 is manifested in a visibly demonstrable manner caused by or
24 resulting from any of the following:

25 (i) The intentional infliction or threatened infliction of
26 great bodily injury.

27 (ii) The administration or application, or threatened
28 administration or application, of mind-altering substances or other
29 procedures calculated to disrupt the senses or the personality.

(iii) The threat of imminent death.

(iv) The threat that another person will imminently be subjected to death, great bodily injury, or the administration or application of mind-altering substances or other procedures calculated to disrupt the senses or personality.

(3) Proof that a victim suffered pain is not an element of the crime under this section.

(4) A conviction or sentence under this section does not preclude a conviction or sentence for a violation of any other law of this state arising from the same transaction.

Sec. 86. ~~Assault with intent to maim~~ Any ~~A~~ person who shall ~~assault~~ **assaults** another with intent to maim or disfigure ~~his~~ **the** ~~other~~ person by cutting out or maiming the tongue, putting out or destroying an eye, cutting or tearing off an ear, cutting or slitting or mutilating the nose or lips, or cutting off or disabling a limb, organ, or member, ~~shall be~~ **is** guilty of a felony, punishable by imprisonment ~~in the state prison for life or~~ **any term of years but** not ~~more~~ **less** than ~~10~~ **5** years or ~~by a~~ fine of not more than ~~5,000 dollars.~~ **\$5,000.00.**

Sec. 87. ~~Assault with intent to commit felony, not otherwise punished~~ Any ~~A~~ person who shall ~~assault~~ **assaults** another ~~person,~~ with intent to commit any burglary, or any other felony, the punishment of which assault is not otherwise in this act prescribed, ~~shall be~~ **is** guilty of a felony, punishable by imprisonment ~~in the state prison for life or any term of years but~~ not ~~more~~ **less** than ~~10~~ **5** years, ~~or by~~ **impose a** fine of not more than ~~5,000 dollars.~~ **\$5,000.00.**

Sec. 88. ~~Assault with intent to rob and steal being unarmed~~ Any ~~A~~ person, not being armed with a dangerous weapon, who shall

~~assault~~**assaults** another **person** with force and violence ~~, and with~~
the intent to rob and steal, ~~shall be~~**is** guilty of a felony,
 punishable by imprisonment ~~in the state prison for life or any term~~
of years but not ~~more~~**less** than ~~15~~**7** years **and 6 months**.

Sec. 89. ~~Assault with intent to rob and steal being armed~~ Any
A person, being armed with a dangerous weapon, or any article used
 or fashioned in a manner to lead a person so assaulted reasonably
 to believe it to be a dangerous weapon, who ~~shall assault~~**assaults**
 another **person** with **the** intent to rob and steal ~~shall be~~**is** guilty
 of a felony, punishable by imprisonment ~~in the state prison for~~
 life ~~, or for any term of years~~ **but not less than 7 years and 6**
months.

Sec. 91. ~~Attempt to murder by poisoning, etc.~~ Any **A** person who
~~shall attempt~~**attempts** to commit the crime of murder by poisoning,
 drowning, or strangling another person, or by any means not
 constituting the crime of assault with intent to murder, ~~shall be~~
is guilty of a felony, punishable by imprisonment ~~in the state~~
~~prison for life or any term of years~~ **but not less than 25 years**.

Sec. 110a. (1) As used in this section:

(a) "Dwelling" means a structure or shelter that is used
 permanently or temporarily as a place of abode, including an
 appurtenant structure attached to that structure or shelter.

(b) "Dangerous weapon" means 1 or more of the following:

(i) A loaded or unloaded firearm, whether operable or
 inoperable.

(ii) A knife, stabbing instrument, brass knuckles, blackjack,
 club, or other object specifically designed or customarily carried
 or possessed for use as a weapon.

(iii) An object that is likely to cause death or bodily injury

1 when used as a weapon and that is used as a weapon or carried or
2 possessed for use as a weapon.

3 (iv) An object or device that is used or fashioned in a manner
4 to lead a person to believe the object or device is an object or
5 device described in subparagraphs (i) to (iii).

6 (c) "Without permission" means without having obtained
7 permission to enter from the owner or lessee of the dwelling or
8 from any other person lawfully in possession or control of the
9 dwelling.

10 (2) A person who breaks and enters a dwelling with intent to
11 commit a felony, larceny, or assault in the dwelling, a person who
12 enters a dwelling without permission with intent to commit a
13 felony, larceny, or assault in the dwelling, or a person who breaks
14 and enters a dwelling or enters a dwelling without permission and,
15 at any time while he or she is entering, present in, or exiting the
16 dwelling, commits a felony, larceny, or assault is guilty of home
17 invasion in the first degree if at any time while the person is
18 entering, present in, or exiting the dwelling either of the
19 following circumstances exists:

20 (a) The person is armed with a dangerous weapon.

21 (b) Another person is lawfully present in the dwelling.

22 (3) A person who breaks and enters a dwelling with intent to
23 commit a felony, larceny, or assault in the dwelling, a person who
24 enters a dwelling without permission with intent to commit a
25 felony, larceny, or assault in the dwelling, or a person who breaks
26 and enters a dwelling or enters a dwelling without permission and,
27 at any time while he or she is entering, present in, or exiting the
28 dwelling, commits a felony, larceny, or assault is guilty of home
29 invasion in the second degree.

(4) A person is guilty of home invasion in the third degree if the person does either of the following:

(a) Breaks and enters a dwelling with intent to commit a misdemeanor in the dwelling, enters a dwelling without permission with intent to commit a misdemeanor in the dwelling, or breaks and enters a dwelling or enters a dwelling without permission and, at any time while he or she is entering, present in, or exiting the dwelling, commits a misdemeanor.

(b) Breaks and enters a dwelling or enters a dwelling without permission and, at any time while the person is entering, present in, or exiting the dwelling, violates any of the following ordered to protect a named person or persons:

(i) A probation term or condition.

(ii) A parole term or condition.

(iii) A personal protection order term or condition.

(iv) A bond or bail condition or any condition of pretrial release.

(5) Home invasion in the first degree is a felony punishable by imprisonment for **life or any term of years but not more-less** than ~~20~~**10** years or a fine of not more than \$5,000.00, or both.

(6) Home invasion in the second degree is a felony punishable by imprisonment for **life or any term of years but not more-less** than ~~15~~**5** years or a fine of not more than \$3,000.00, or both.

(7) Home invasion in the third degree is a felony punishable by imprisonment for **life or any term of years but not more-less** than 5 years or a fine of not more than \$2,000.00, or both.

(8) The court may order a term of imprisonment imposed for home invasion in the first degree to be served consecutively to any term of imprisonment imposed for any other criminal offense arising

1 from the same transaction.

2 (9) Imposition of a penalty under this section does not bar
3 imposition of a penalty under any other applicable law.

4 Sec. 111. ~~Any person~~ **An individual** who, without breaking,
5 enters any dwelling, house, tent, hotel, office, store, shop,
6 warehouse, barn, granary, factory or other building, boat, ship,
7 shipping container, railroad car, or structure used or kept for
8 public or private use, or any private apartment therein, with
9 intent to commit a felony or any larceny therein, is guilty of a
10 felony punishable by imprisonment for **life or any term of years but**
11 **not less than 2** ~~more than 5 years~~ **and 6 months** or a fine of not
12 more than \$2,500.00.

13 Sec. 122. (1) A person shall not give, offer to give, or
14 promise anything of value to an individual for any of the following
15 purposes:

16 (a) To discourage any individual from attending a present or
17 future official proceeding as a witness, testifying at a present or
18 future official proceeding, or giving information at a present or
19 future official proceeding.

20 (b) To influence any individual's testimony at a present or
21 future official proceeding.

22 (c) To encourage any individual to avoid legal process, to
23 withhold testimony, or to testify falsely in a present or future
24 official proceeding.

25 (2) Subsection (1) does not apply to the reimbursement or
26 payment of reasonable costs for any witness to provide a statement
27 to testify truthfully or provide truthful information in an
28 official proceeding as provided for under section 16 of the uniform
29 condemnation procedures act, 1980 PA 87, MCL 213.66, or section

1 2164 of the revised judicature act of 1961, 1961 PA 236, MCL
2 600.2164, or court rule.

3 (3) A person shall not do any of the following by threat or
4 intimidation:

5 (a) Discourage or attempt to discourage any individual from
6 attending a present or future official proceeding as a witness,
7 testifying at a present or future official proceeding, or giving
8 information at a present or future official proceeding.

9 (b) Influence or attempt to influence testimony at a present
10 or future official proceeding.

11 (c) Encourage or attempt to encourage any individual to avoid
12 legal process, to withhold testimony, or to testify falsely in a
13 present or future official proceeding.

14 (4) It is an affirmative defense under subsections (1) and
15 (3), for which the defendant has the burden of proof by a
16 preponderance of the evidence, that the conduct consisted solely of
17 lawful conduct and that the defendant's sole intention was to
18 encourage, induce, or cause the other person to testify or provide
19 evidence truthfully.

20 (5) Subsections (1) and (3) do not apply to any of the
21 following:

22 (a) The lawful conduct of an attorney in the performance of
23 his or her duties, such as advising a client.

24 (b) The lawful conduct or communications of a person as
25 permitted by statute or other lawful privilege.

26 (6) A person shall not willfully impede, interfere with,
27 prevent, or obstruct or attempt to willfully impede, interfere
28 with, prevent, or obstruct the ability of a witness to attend,
29 testify, or provide information in or for a present or future

1 official proceeding.

2 (7) A person who violates this section is guilty of a crime as
3 follows:

4 (a) Except as provided in subdivisions (b) and (c), the person
5 is guilty of a felony punishable by imprisonment for **life or any**
6 **term of years but** not ~~more-less~~ than ~~4-2~~ years **and 6 months** or a
7 fine of not more than \$5,000.00, or both.

8 (b) If the violation is committed in a criminal case for which
9 the maximum term of imprisonment for the violation is more than 10
10 years, or the violation is punishable by imprisonment for life or
11 any term of years, the person is guilty of a felony punishable by
12 imprisonment for **life or any term of years but** not ~~more-less~~ than
13 ~~10-5~~ years or a fine of not more than \$20,000.00, or both.

14 (c) If the violation involves committing or attempting to
15 commit a crime or a threat to kill or injure any person or to cause
16 property damage, the person is guilty of a felony punishable by
17 imprisonment for **life or any term of years but** not ~~more-less~~ than
18 ~~15-10~~ years or a fine of not more than \$25,000.00, or both.

19 (8) A person who retaliates, attempts to retaliate, or
20 threatens to retaliate against another person for having been a
21 witness in an official proceeding is guilty of a felony punishable
22 by imprisonment for **life or any term of years but** not ~~more than 10~~
23 **less than 5** years or a fine of not more than \$20,000.00, or both.
24 As used in this subsection, "retaliate" means to do any of the
25 following:

26 (a) Commit or attempt to commit a crime against any person.

27 (b) Threaten to kill or injure any person or threaten to cause
28 property damage.

29 (9) This section applies regardless of whether an official

1 proceeding actually takes place or is pending or whether the
2 individual has been subpoenaed or otherwise ordered to appear at
3 the official proceeding if the person knows or has reason to know
4 the other person could be a witness at any official proceeding.

5 (10) This section does not prohibit a person from being
6 charged with, convicted of, or punished for any other violation of
7 law arising out of the same transaction as the violation of this
8 section.

9 (11) The court may order a term of imprisonment imposed for
10 violating this section to be served consecutively to a term of
11 imprisonment imposed for the commission of any other crime
12 including any other violation of law arising out of the same
13 transaction as the violation of this section.

14 (12) As used in this section:

15 (a) "Official proceeding" means a proceeding heard before a
16 legislative, judicial, administrative, or other governmental agency
17 or official authorized to hear evidence under oath, including a
18 referee, prosecuting attorney, hearing examiner, commissioner,
19 notary, or other person taking testimony or deposition in that
20 proceeding.

21 (b) "Threaten or intimidate" does not mean a communication
22 regarding the otherwise lawful access to courts or other branches
23 of government, such as the otherwise lawful filing of any civil
24 action or police report of which the purpose is not to harass the
25 other person in violation of section 2907 of the revised judicature
26 act of 1961, 1961 PA 236, MCL 600.2907.

27 Sec. 136b. (1) As used in this section:

28 (a) "Child" means a person who is less than 18 years of age
29 and is not emancipated by operation of law as provided in section 4

1 of 1968 PA 293, MCL 722.4.

2 (b) "Cruel" means brutal, inhuman, sadistic, or that which
3 torments.

4 (c) "Omission" means a willful failure to provide food,
5 clothing, or shelter necessary for a child's welfare or willful
6 abandonment of a child.

7 (d) "Person" means a child's parent or guardian or any other
8 person who cares for, has custody of, or has authority over a child
9 regardless of the length of time that a child is cared for, in the
10 custody of, or subject to the authority of that person.

11 (e) "Physical harm" means any injury to a child's physical
12 condition.

13 (f) "Serious physical harm" means any physical injury to a
14 child that seriously impairs the child's health or physical well-
15 being, including, but not limited to, brain damage, a skull or bone
16 fracture, subdural hemorrhage or hematoma, dislocation, sprain,
17 internal injury, poisoning, burn or scald, or severe cut.

18 (g) "Serious mental harm" means an injury to a child's mental
19 condition or welfare that is not necessarily permanent but results
20 in visibly demonstrable manifestations of a substantial disorder of
21 thought or mood ~~which~~**that** significantly impairs judgment,
22 behavior, capacity to recognize reality, or ability to cope with
23 the ordinary demands of life.

24 (2) A person is guilty of child abuse in the first degree if
25 the person knowingly or intentionally causes serious physical harm
26 or serious mental harm to a child. Child abuse in the first degree
27 is a felony punishable by imprisonment for life or any term of
28 years **but not less than 15 years**.

29 (3) A person is guilty of child abuse in the second degree if

1 any of the following apply:

2 (a) The person's omission causes serious physical harm or
3 serious mental harm to a child or if the person's reckless act
4 causes serious physical harm or serious mental harm to a child.

5 (b) The person knowingly or intentionally commits an act
6 likely to cause serious physical or mental harm to a child
7 regardless of whether harm results.

8 (c) The person knowingly or intentionally commits an act that
9 is cruel to a child regardless of whether harm results.

10 (d) The person or a licensee, as licensee is defined in
11 section 1 of 1973 PA 116, MCL 722.111, violates section 15(2) of
12 1973 PA 116, MCL 722.125.

13 (4) Child abuse in the second degree is a felony punishable by
14 imprisonment ~~as follows:~~

15 ~~(a) For a first offense, not more than 10 years.~~

16 ~~(b) For an offense following a prior conviction, not more than~~
17 ~~20 years.~~ **for life or any term of years but not less than 10 years.**

18 (5) A person is guilty of child abuse in the third degree if
19 any of the following apply:

20 (a) The person knowingly or intentionally causes physical harm
21 to a child.

22 (b) The person knowingly or intentionally commits an act that
23 under the circumstances poses an unreasonable risk of harm or
24 injury to a child, and the act results in physical harm to a child.

25 (6) Child abuse in the third degree is a felony punishable by
26 imprisonment ~~as follows:~~

27 ~~(a) For a first offense, not more than 2 years.~~

28 ~~(b) For an offense following a prior conviction, not more than~~
29 ~~5 years.~~ **for life or any term of years but not less than 4 years.**

1 (7) A person is guilty of child abuse in the fourth degree if
2 any of the following apply:

3 (a) The person's omission or reckless act causes physical harm
4 to a child.

5 (b) The person knowingly or intentionally commits an act that
6 under the circumstances poses an unreasonable risk of harm or
7 injury to a child, regardless of whether physical harm results.

8 (8) Child abuse in the fourth degree is a crime punishable as
9 follows:

10 (a) For a first offense, a misdemeanor punishable by
11 imprisonment for not more than 1 year.

12 (b) For an offense following a prior conviction, a felony
13 punishable by imprisonment for not more than 2 years.

14 (9) This section does not prohibit a parent or guardian, or
15 other person permitted by law or authorized by the parent or
16 guardian, from taking steps to reasonably discipline a child,
17 including the use of reasonable force.

18 (10) It is an affirmative defense to a prosecution under this
19 section that the defendant's conduct involving the child was a
20 reasonable response to an act of domestic violence in light of all
21 the facts and circumstances known to the defendant at that time.
22 The defendant has the burden of establishing the affirmative
23 defense by a preponderance of the evidence. As used in this
24 subsection, "domestic violence" means that term as defined in
25 section 1 of 1978 PA 389, MCL 400.1501.

26 (11) If the prosecuting attorney intends to seek an enhanced
27 sentence based upon the defendant having 1 or more prior
28 convictions, the prosecuting attorney shall include on the
29 complaint and information a statement listing the prior conviction

1 or convictions. The existence of the defendant's prior conviction
 2 or convictions must be determined by the court, without a jury, at
 3 sentencing or at a separate hearing for that purpose before
 4 sentencing. The existence of a prior conviction may be established
 5 by any evidence relevant for that purpose, including, but not
 6 limited to, 1 or more of the following:

7 (a) A copy of the judgment of conviction.

8 (b) A transcript of a prior trial, plea-taking, or sentencing.

9 (c) Information contained in a presentence report.

10 (d) The defendant's statement.

11 (12) As used in this section, "prior conviction" means a
 12 violation of this section or a violation of a law of another state
 13 substantially corresponding to this section.

14 Sec. 145a. A person who accosts, entices, or solicits a child
 15 less than 16 years of age, regardless of whether the person knows
 16 the individual is a child or knows the actual age of the child, or
 17 an individual whom he or she believes is a child less than 16 years
 18 of age with the intent to induce or force that child or individual
 19 to commit an immoral act, to submit to an act of sexual intercourse
 20 or an act of gross indecency, or to any other act of depravity or
 21 delinquency, or who encourages a child less than 16 years of age,
 22 regardless of whether the person knows the individual is a child or
 23 knows the actual age of the child, or an individual whom he or she
 24 believes is a child less than 16 years of age to engage in any of
 25 those acts is guilty of a felony ~~punishable by~~ **and the court shall**
 26 **sentence the person to** imprisonment for not ~~more~~ **less** than 4-5
 27 years ~~or~~ **and may impose** a fine of not more than \$4,000.00, or both.

28 Sec. 145c. (1) As used in this section:

29 (a) "Access" means to intentionally cause to be viewed by or

1 transmitted to a person.

2 (b) "Appears to include a child" means that the depiction
3 appears to include, or conveys the impression that it includes, a
4 person who is less than 18 years of age, and the depiction meets
5 either of the following conditions:

6 (i) It was created using a depiction of any part of an actual
7 person under ~~the age of 18~~ **years of age**.

8 (ii) It was not created using a depiction of any part of an
9 actual person under ~~the age of 18~~ **years of age**, but all of the
10 following apply to that depiction:

11 (A) The average individual, applying contemporary community
12 standards, would find the depiction, taken as a whole, appeals to
13 the prurient interest.

14 (B) The reasonable person would find the depiction, taken as a
15 whole, lacks serious literary, artistic, political, or scientific
16 value.

17 (C) The depiction depicts or describes a listed sexual act in
18 a patently offensive way.

19 (c) "Child" means a person who is less than 18 years of age,
20 subject to the affirmative defense created in subsection (7)
21 regarding persons emancipated by operation of law.

22 (d) "Commercial film or photographic print processor" means a
23 person or his or her employee who, for compensation, develops
24 exposed photographic film into movie films, negatives, slides, or
25 prints; makes prints from negatives or slides; or duplicates movie
26 films or videotapes.

27 (e) "Computer technician" means a person who installs,
28 maintains, troubleshoots, upgrades, or repairs computer hardware,
29 software, personal computer networks, or peripheral equipment.

1 (f) "Contemporary community standards" means the customary
2 limits of candor and decency in this state at or near the time of
3 the alleged violation of this section.

4 (g) "Erotic fondling" means touching a person's clothed or
5 unclothed genitals, pubic area, buttocks, or, if the person is
6 female, breasts, or if the person is a child, the developing or
7 undeveloped breast area, for the purpose of real or simulated overt
8 sexual gratification or stimulation of 1 or more of the persons
9 involved. Erotic fondling does not include physical contact, even
10 if affectionate, that is not for the purpose of real or simulated
11 overt sexual gratification or stimulation of 1 or more of the
12 persons involved.

13 (h) "Erotic nudity" means the lascivious exhibition of the
14 genital, pubic, or rectal area of any person. As used in this
15 subdivision, "lascivious" means wanton, lewd, and lustful and
16 tending to produce voluptuous or lewd emotions.

17 (i) "Listed sexual act" means sexual intercourse, erotic
18 fondling, sadomasochistic abuse, masturbation, passive sexual
19 involvement, sexual excitement, or erotic nudity.

20 (j) "Make" means to bring into existence by copying, shaping,
21 changing, or combining material, and specifically includes, but is
22 not limited to, intentionally creating a reproduction, copy, or
23 print of child sexually abusive material, in whole or part. Make
24 does not include the creation of an identical reproduction or copy
25 of child sexually abusive material within the same digital storage
26 device or the same piece of digital storage media.

27 (k) "Masturbation" means the real or simulated touching,
28 rubbing, or otherwise stimulating of a person's own clothed or
29 unclothed genitals, pubic area, buttocks, or, if the person is

1 female, breasts, or if the person is a child, the developing or
2 undeveloped breast area, either by manual manipulation or self-
3 induced or with an artificial instrument, for the purpose of real
4 or simulated overt sexual gratification or arousal of the person.

5 (l) "Passive sexual involvement" means an act, real or
6 simulated, that exposes another person to or draws another person's
7 attention to an act of sexual intercourse, erotic fondling,
8 sadomasochistic abuse, masturbation, sexual excitement, or erotic
9 nudity because of viewing any of these acts or because of the
10 proximity of the act to that person, for the purpose of real or
11 simulated overt sexual gratification or stimulation of 1 or more of
12 the persons involved.

13 (m) "Prurient interest" means a shameful or morbid interest in
14 nudity, sex, or excretion.

15 (n) "Child sexually abusive activity" means a child engaging
16 in a listed sexual act.

17 (o) "Child sexually abusive material" means any depiction,
18 whether made or produced by electronic, mechanical, or other means,
19 including a developed or undeveloped photograph, picture, film,
20 slide, video, electronic visual image, computer diskette, computer
21 or computer-generated image, or picture, or sound recording ~~which~~
22 **that** is of a child or appears to include a child engaging in a
23 listed sexual act; a book, magazine, computer, computer storage
24 device, or other visual or print or printable medium containing
25 such a photograph, picture, film, slide, video, electronic visual
26 image, computer, or computer-generated image, or picture, or sound
27 recording; or any reproduction, copy, or print of such a
28 photograph, picture, film, slide, video, electronic visual image,
29 book, magazine, computer, or computer-generated image, or picture,

1 other visual or print or printable medium, or sound recording.

2 (p) "Sadomasochistic abuse" means either of the following:

3 (i) Flagellation or torture, real or simulated, for the purpose
4 of real or simulated sexual stimulation or gratification, by or
5 upon a person.

6 (ii) The condition, real or simulated, of being fettered,
7 bound, or otherwise physically restrained for sexual stimulation or
8 gratification of a person.

9 (q) "Sexual excitement" means the condition, real or
10 simulated, of human male or female genitals in a state of real or
11 simulated overt sexual stimulation or arousal.

12 (r) "Sexual intercourse" means intercourse, real or simulated,
13 whether genital-genital, oral-genital, anal-genital, or oral-anal,
14 whether between persons of the same or opposite sex or between a
15 human and an animal, or with an artificial genital.

16 (2) A person who persuades, induces, entices, coerces, causes,
17 or knowingly allows a child to engage in a child sexually abusive
18 activity for the purpose of producing any child sexually abusive
19 material, or a person who arranges for, produces, makes, copies,
20 reproduces, or finances, or a person who attempts or prepares or
21 conspires to arrange for, produce, make, copy, reproduce, or
22 finance any child sexually abusive activity or child sexually
23 abusive material for personal, distributional, or other purposes if
24 that person knows, has reason to know, or should reasonably be
25 expected to know that the child is a child or that the child
26 sexually abusive material includes a child or that the depiction
27 constituting the child sexually abusive material appears to include
28 a child, or that person has not taken reasonable precautions to
29 determine the age of the child is guilty of a crime as follows:

1 (a) Except as provided in subdivision (b), the person is
2 guilty of a felony punishable by imprisonment for **life or any term**
3 **of years but** not ~~more-less~~ than ~~20-10~~ years or a fine of not more
4 than \$100,000.00, or both.

5 (b) If the child sexually abusive activity or child sexually
6 abusive material involves a prepubescent child, sadomasochistic
7 abuse or bestiality, or includes a video or more than 100 images of
8 child sexually abusive material, the person is guilty of a felony
9 punishable by imprisonment for **life or any term of years but** not
10 ~~more-less~~ than ~~25-15~~ years or a fine of not more than \$125,000.00,
11 or both.

12 (3) Except as provided in subsection (14), a person who
13 distributes or promotes, or finances the distribution or promotion
14 of, or receives for the purpose of distributing or promoting, or
15 conspires, attempts, or prepares to distribute, receive, finance,
16 or promote any child sexually abusive material or child sexually
17 abusive activity if that person knows, has reason to know, or
18 should reasonably be expected to know that the child is a child or
19 that the child sexually abusive material includes a child or that
20 the depiction constituting the child sexually abusive material
21 appears to include a child, or that person has not taken reasonable
22 precautions to determine the age of the child is guilty of a crime
23 as follows:

24 (a) Except as provided in subdivision (b), the person is
25 guilty of a felony punishable by imprisonment for **life or any term**
26 **of years but** not ~~more-less~~ than ~~7-10~~ years or a fine of not more
27 than \$50,000.00, or both.

28 (b) If the child sexually abusive activity or child sexually
29 abusive material involves a prepubescent child, sadomasochistic

1 abuse or bestiality, or includes a video or more than 100 images of
2 child sexually abusive material, the person is guilty of a felony
3 punishable by imprisonment for **life or any term of years but** not
4 ~~more-less~~ than 15 years or a fine of not more than \$75,000.00, or
5 both.

6 (4) A person who knowingly possesses or knowingly seeks and
7 accesses any child sexually abusive material if that person knows,
8 has reason to know, or should reasonably be expected to know the
9 child is a child or that the child sexually abusive material
10 includes a child or that the depiction constituting the child
11 sexually abusive material appears to include a child, or that
12 person has not taken reasonable precautions to determine the age of
13 the child is guilty of a crime as follows:

14 (a) Except as provided in subdivision (b) and section 145g,
15 the person is guilty of a felony punishable by imprisonment for
16 **life or any term of years but** not ~~more-less~~ than 4 years or a fine
17 of not more than \$10,000.00, or both.

18 (b) If the child sexually abusive activity or child sexually
19 abusive material involves a prepubescent child, sadomasochistic
20 abuse or bestiality, or includes a video or more than 100 images of
21 child sexually abusive material, the person is guilty of a felony
22 punishable by imprisonment for **life or any term of years but** not
23 ~~more-less~~ than ~~10-12~~ years **and 6 months** or a fine of not more than
24 \$50,000.00, or both.

25 (5) Subsection (4) does not apply to any of the following:

26 (a) A person described in section 7 of 1984 PA 343, MCL
27 752.367, a commercial film or photographic print processor acting
28 under subsection (9), or a computer technician acting under
29 subsection (10).

1 (b) A police officer acting within the scope of his or her
2 duties as a police officer.

3 (c) An employee or contract agent of the department of health
4 and human services acting within the scope of his or her duties as
5 an employee or contract agent.

6 (d) A judicial officer or judicial employee acting within the
7 scope of his or her duties as a judicial officer or judicial
8 employee.

9 (e) A party or witness in a criminal or civil proceeding
10 acting within the scope of that criminal or civil proceeding.

11 (f) A physician, psychologist, limited license psychologist,
12 professional counselor, or registered nurse licensed under the
13 public health code, 1978 PA 368, MCL 333.1101 to 333.25211, acting
14 within the scope of practice for which he or she is licensed.

15 (g) A social worker registered in this state under article 15
16 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838,
17 acting within the scope of practice for which he or she is
18 registered.

19 (6) Expert testimony as to the age of the child used in a
20 child sexually abusive material or a child sexually abusive
21 activity is admissible as evidence in court and may be a legitimate
22 basis for determining age, if age is not otherwise proven.

23 (7) It is an affirmative defense to a prosecution under this
24 section that the alleged child is a person who is emancipated by
25 operation of law under section 4(2) of 1968 PA 293, MCL 722.4, as
26 proven by a preponderance of the evidence.

27 (8) If a defendant in a prosecution under this section
28 proposes to offer in his or her defense evidence to establish that
29 a depiction that appears to include a child was not, in fact,

1 created using a depiction of any part of an actual person under ~~the~~
2 ~~age of 18~~ **years of age**, the defendant shall at the time of the
3 arraignment on the information or within 15 days after arraignment
4 but not less than 10 days before the trial of the case, or at such
5 other time as the court directs, file and serve upon the
6 prosecuting attorney of record a notice in writing of his or her
7 intention to offer that defense. The notice must contain, as
8 particularly as is known to the defendant or the defendant's
9 attorney, the names of witnesses to be called on behalf of the
10 defendant to establish that defense. The defendant's notice must
11 include specific information as to the facts that establish that
12 the depiction was not, in fact, created using a depiction of any
13 part of an actual person under ~~the age of 18~~ **years of age**. Failure
14 to file a timely notice in conformance with this subsection
15 precludes a defendant from offering this defense.

16 (9) If a commercial film or photographic print processor
17 reports to a law enforcement agency having jurisdiction his or her
18 knowledge or observation, within the scope of his or her
19 professional capacity or employment, of a film, photograph, movie
20 film, videotape, negative, or slide depicting a person that the
21 processor has reason to know or reason to believe is a child
22 engaged in a listed sexual act; furnishes a copy of the film,
23 photograph, movie film, videotape, negative, or slide to a law
24 enforcement agency having jurisdiction; or keeps the film,
25 photograph, movie film, videotape, negative, or slide according to
26 the law enforcement agency's instructions, both of the following
27 apply:

28 (a) The identity of the processor must be confidential,
29 subject to disclosure only with his or her consent or by judicial

1 process.

2 (b) If the processor acted in good faith, he or she is immune
3 from civil liability that might otherwise be incurred by his or her
4 actions. This immunity extends only to acts described in this
5 subsection.

6 (10) If a computer technician reports to a law enforcement
7 agency having jurisdiction his or her knowledge or observation,
8 within the scope of his or her professional capacity or employment,
9 of an electronic visual image, computer-generated image or picture
10 or sound recording depicting a person that the computer technician
11 has reason to know or reason to believe is a child engaged in a
12 listed sexual act; furnishes a copy of that image, picture, or
13 sound recording to the law enforcement agency; or keeps the image,
14 picture, or sound recording according to the law enforcement
15 agency's instructions, both of the following apply:

16 (a) The identity of the computer technician must be
17 confidential, subject to disclosure only with his or her consent or
18 by judicial process.

19 (b) If the computer technician acted in good faith, he or she
20 is immune from civil liability that might otherwise be incurred by
21 his or her actions. This immunity extends only to acts described in
22 this subsection.

23 (11) In any criminal proceeding regarding an alleged violation
24 or attempted violation of this section, the court shall deny any
25 request by the defendant to copy, photograph, duplicate, or
26 otherwise reproduce any photographic or other pictorial evidence of
27 a child engaging in a listed sexual act if the prosecuting attorney
28 makes that evidence reasonably available to the defendant. Evidence
29 is considered to be reasonably available to the defendant under

1 this subsection if the prosecuting attorney provides an opportunity
2 to the defendant and his or her attorney, and any person the
3 defendant may seek to qualify as an expert witness at trial, to
4 inspect, view, and examine that evidence at a facility approved by
5 the prosecuting attorney.

6 (12) This section applies uniformly throughout the state and
7 all political subdivisions and municipalities in the state.

8 (13) A local municipality or political subdivision shall not
9 enact any ordinance or enforce any existing ordinance, rule, or
10 regulation governing child sexually abusive activity or child
11 sexually abusive material.

12 (14) Subsection (3) does not apply to the persons described in
13 section 7 of 1984 PA 343, MCL 752.367.

14 Sec. 159j. (1) A person who violates section 159i is guilty of
15 a felony punishable by imprisonment for **life or any term of years**
16 **but** not ~~more~~**less** than ~~20~~**10** years or a fine of not more than
17 \$100,000.00, or both.

18 (2) In addition to any penalty imposed under subsection (1),
19 the court may do 1 or more of the following with respect to a
20 person convicted under section 159i:

21 (a) Order the person to pay court costs.

22 (b) Order the person to pay to the state or local law
23 enforcement agency that handled the investigation and prosecution
24 the costs of the investigation and prosecution that are reasonably
25 incurred.

26 (3) The court shall hold a hearing to determine the amount of
27 court costs and other costs to be imposed under subsection (2).

28 (4) The court shall order a person convicted of a violation of
29 section 159i to criminally forfeit to the state any real, personal,

1 or intangible property in which he or she has an interest and that
2 was used in the course of, intended for use in the course of,
3 derived from, or realized through conduct in violation of section
4 159i, including any property constituting an interest in, means of
5 control over, or influence over the enterprise involved in the
6 violation and any property constituting proceeds derived from the
7 violation. The court's authority under this subsection also
8 includes, but is not limited to, the authority to do any of the
9 following:

10 (a) Order the convicted person to divest himself or herself of
11 any interest, direct or indirect, in the enterprise.

12 (b) Impose reasonable restrictions on the future activities or
13 investments of the convicted person, including prohibiting the
14 convicted person from engaging in the same type of endeavor as the
15 enterprise engaged in.

16 (c) Order the dissolution or reorganization of an enterprise
17 upon finding that, for the prevention of future criminal activity,
18 the public interest requires the dissolution or reorganization.
19 This subdivision does not apply to the extent that an order of
20 dissolution or reorganization is preempted by chapter 7 of the
21 national labor relations act, 29 USC 141 to 187.

22 (d) Order the suspension or revocation of a license, permit,
23 or prior approval granted to an enterprise by any agency of the
24 state, county, or other political subdivision upon finding that,
25 for the prevention of future criminal activity, the public interest
26 requires the suspension or revocation.

27 (e) Order the surrender of the charter of a corporation
28 organized under the laws of this state or the revocation of a
29 certificate authorizing a foreign corporation to conduct business

1 within this state upon finding that the board of directors or a
2 managerial agent acting on behalf of the corporation, in conducting
3 the affairs of the corporation, authorized or engaged in
4 racketeering and, for the prevention of future criminal activity,
5 that the public interest requires that the charter or certificate
6 of the corporation be surrendered or revoked.

7 (5) A sentence ordering criminal forfeiture under this section
8 shall not be entered unless the indictment or information alleges
9 the extent of the property subject to forfeiture, or unless the
10 sentence requires the forfeiture of property that was not
11 reasonably foreseen to be subject to forfeiture at the time of the
12 indictment or information, if the prosecuting agency gave prompt
13 notice to the defendant of the property not reasonably foreseen to
14 be subject to forfeiture when it was discovered to be forfeitable.

15 (6) Reasonable attorney fees for representation in an action
16 under this chapter are not subject to criminal forfeiture under
17 this chapter.

18 (7) At sentencing and following a hearing, the court shall
19 determine the extent of the property subject to forfeiture, if any,
20 and shall enter an order of forfeiture. The court may base its
21 determination on evidence in the trial record.

22 (8) If any property included in the order of forfeiture under
23 this section cannot be located or has been sold to a bona fide
24 purchaser for value, placed beyond the jurisdiction of the court,
25 substantially diminished in value by the conduct of the defendant,
26 or commingled with other property that cannot be divided without
27 difficulty or undue injury to innocent persons, the court shall
28 order forfeiture of any other reachable property of the defendant
29 up to the value of the property that is unreachable.

1 (9) All property ordered forfeited under this section shall be
2 retained by the law enforcement agency that seized it for disposal
3 pursuant to section 159r.

4 (10) The seizing agency may deposit money seized under this
5 section into an interest-bearing account in a financial
6 institution. As used in this subsection, "financial institution"
7 means a state or nationally chartered bank or a state or federally
8 chartered savings and loan association, savings bank, or credit
9 union whose deposits are insured by an agency of the United States
10 government and that maintains a principal office or branch office
11 located in this state under the laws of this state or the United
12 States.

13 (11) An attorney for a person who is charged with a violation
14 of section 159i involving or related to money seized by a law
15 enforcement agency that is subject to criminal forfeiture under
16 this section shall be afforded a period of 60 days within which to
17 examine that money. This 60-day period shall begin to run after
18 notice of forfeiture is given but before the money is deposited
19 into a financial institution under subsection (10). If the
20 prosecuting agency fails to sustain its burden of proof in criminal
21 proceedings under section 159i, the court shall order the return of
22 the money, including any interest earned on money deposited into a
23 financial institution under subsection (10).

24 (12) An order of criminal forfeiture entered under this
25 section shall authorize an appropriate law enforcement agency to
26 seize the property declared criminally forfeited under this section
27 upon those terms and conditions relating to the time and manner of
28 seizure the court determines proper.

29 (13) Criminal penalties under this section are not mutually

1 exclusive and do not preclude the application of any other criminal
2 or civil remedy under this section or any other provision of law.

3 Sec. 174. (1) A person who as the agent, servant, or employee
4 of another person, governmental entity within this state, or other
5 legal entity or who as the trustee, bailee, or custodian of the
6 property of another person, governmental entity within this state,
7 or other legal entity fraudulently disposes of or converts to his
8 or her own use, or takes or secretes with the intent to convert to
9 his or her own use without the consent of his or her principal, any
10 money or other personal property of his or her principal that has
11 come to that person's possession or that is under his or her charge
12 or control by virtue of his or her being an agent, servant,
13 employee, trustee, bailee, or custodian, is guilty of embezzlement.

14 (2) If the money or other personal property embezzled has a
15 value of less than \$200.00, the person is guilty of a misdemeanor
16 punishable by imprisonment for not more than 93 days or a fine of
17 not more than \$500.00 or 3 times the value of the money or property
18 embezzled, whichever is greater, or both imprisonment and a fine.

19 (3) If any of the following apply, the person is guilty of a
20 misdemeanor punishable by imprisonment for not more than 1 year or
21 a fine of not more than \$2,000.00 or 3 times the value of the money
22 or other property embezzled, whichever is greater, or both
23 imprisonment and a fine:

24 (a) The money or other personal property embezzled has a value
25 of \$200.00 or more but less than \$1,000.00.

26 (b) The person violates subsection (2) and has 1 or more prior
27 convictions for committing or attempting to commit an offense under
28 this section or a local ordinance substantially corresponding to
29 this section.

1 (c) The person violates subsection (2) and the victim is a
2 nonprofit corporation or charitable organization under federal law
3 or the laws of this state.

4 (4) If any of the following apply, the person is guilty of a
5 felony punishable by imprisonment for **life or any term of years but**
6 ~~not more-less~~ than ~~5 years-1 year~~ or a fine of not more than
7 \$10,000.00 or 3 times the value of the money or other property
8 embezzled, whichever is greater, or both imprisonment and a fine:

9 (a) The money or other personal property embezzled has a value
10 of \$1,000.00 or more but less than \$20,000.00.

11 (b) The person violates subsection (3)(a) or (c) and has 1 or
12 more prior convictions for committing or attempting to commit an
13 offense under this section. For purposes of this subdivision,
14 however, a prior conviction does not include a conviction for a
15 violation or attempted violation of subsection (2) or (3)(b).

16 (c) The person violates subsection (3)(a) and the victim is a
17 nonprofit corporation or charitable organization under federal law
18 or the laws of this state.

19 (5) If any of the following apply, the person is guilty of a
20 felony punishable by imprisonment for not more than 10 years or a
21 fine of not more than \$15,000.00 or 3 times the value of the money
22 or other property embezzled, whichever is greater, or both
23 imprisonment and a fine:

24 (a) The money or other personal property embezzled has a value
25 of \$20,000.00 or more but less than \$50,000.00.

26 (b) The person violates subsection (4)(a) or (c) and has 2 or
27 more prior convictions for committing or attempting to commit an
28 offense under this section. For purposes of this subdivision,
29 however, a prior conviction does not include a conviction for a

1 violation or attempted violation of subsection (2) or (3)(b).

2 (c) The person violates subsection (4)(a) and the victim is a
3 nonprofit corporation or charitable organization under federal law
4 or the laws of this state.

5 (6) If the money or other personal property embezzled has a
6 value of \$50,000.00 or more but less than \$100,000.00, the person
7 is guilty of a felony punishable by imprisonment for **life or any**
8 **term of years but** not ~~more than 15~~ **less than 7 years and 6 months**
9 or a fine of not more than \$25,000.00 or 3 times the value of the
10 money or property embezzled, whichever is greater, or both
11 imprisonment and a fine.

12 (7) If the money or other personal property embezzled has a
13 value of \$100,000.00 or more, the person is guilty of a felony
14 punishable by imprisonment for **life or any term of years but** not
15 ~~more than 20~~ **less than 10** years or a fine of not more than
16 \$50,000.00 or 3 times the value of the money or property embezzled,
17 whichever is greater, or both imprisonment and a fine.

18 (8) Except as otherwise provided in this subsection, the
19 values of money or other personal property embezzled in separate
20 incidents pursuant to a scheme or course of conduct within any 12-
21 month period may be aggregated to determine the total value of
22 money or personal property embezzled. If the scheme or course of
23 conduct is directed against only 1 person, governmental entity
24 within this state, or other legal entity, no time limit applies to
25 aggregation under this subsection.

26 (9) If the prosecuting attorney intends to seek an enhanced
27 sentence based upon the defendant having 1 or more prior
28 convictions, the prosecuting attorney shall include on the
29 complaint and information a statement listing the prior conviction

1 or convictions. The existence of the defendant's prior conviction
2 or convictions must be determined by the court, without a jury, at
3 sentencing or at a separate hearing for that purpose before
4 sentencing. The existence of a prior conviction may be established
5 by any evidence relevant for that purpose, including, but not
6 limited to, 1 or more of the following:

7 (a) A copy of the judgment of conviction.

8 (b) A transcript of a prior trial, plea-taking, or sentencing.

9 (c) Information contained in a presentence report.

10 (d) The defendant's statement.

11 (10) In a prosecution under this section, the failure,
12 neglect, or refusal of the agent, servant, employee, trustee,
13 bailee, or custodian to pay, deliver, or refund to his or her
14 principal the money or property entrusted to his or her care upon
15 demand is prima facie proof of intent to embezzle.

16 (11) If the sentence for a conviction under this section is
17 enhanced by 1 or more prior convictions, those prior convictions
18 must not be used to further enhance the sentence for the conviction
19 under section 10, 11, or 12 of chapter IX of the code of criminal
20 procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

21 (12) The court may order a term of imprisonment imposed for a
22 felony violation of this section to be served consecutively to any
23 term of imprisonment imposed for any other criminal offense if the
24 victim of the violation of this section was any of the following:

25 (a) A nonprofit corporation or charitable organization under
26 federal law or the laws of this state.

27 (b) A person 60 years of age or older.

28 (c) A vulnerable adult as defined in section 174a.

29 (13) As used in this section:

1 (a) "Cryptocurrency" means digital currency in which
2 encryption techniques are used to regulate the generation of units
3 of currency and verify the transfer of funds, and that operates
4 independently of a central bank.

5 (b) "Money or other personal property" includes
6 cryptocurrency.

7 Sec. 174a. (1) A person shall not through fraud, deceit,
8 misrepresentation, coercion, or unjust enrichment obtain or use or
9 attempt to obtain or use a vulnerable adult's money or property to
10 directly or indirectly benefit that person knowing or having reason
11 to know the vulnerable adult is a vulnerable adult.

12 (2) If the money or property used or obtained, or attempted to
13 be used or obtained, has a value of less than \$200.00, the person
14 is guilty of a misdemeanor punishable by imprisonment for not more
15 than 93 days or a fine of not more than \$500.00 or 3 times the
16 value of the money or property used or obtained or attempted to be
17 used or obtained, whichever is greater, or both imprisonment and a
18 fine.

19 (3) If any of the following apply, the person is guilty of a
20 misdemeanor punishable by imprisonment for not more than 1 year or
21 a fine of not more than \$2,000.00 or 3 times the value of the money
22 or property used or obtained or attempted to be used or obtained,
23 whichever is greater, or both imprisonment and a fine:

24 (a) The money or property used or obtained, or attempted to be
25 used or obtained, has a value of \$200.00 or more but less than
26 \$1,000.00.

27 (b) The person violates subsection (2) and has 1 or more prior
28 convictions for committing or attempting to commit an offense under
29 this section.

1 (4) If any of the following apply, the person is guilty of a
2 felony punishable by imprisonment for not more than 5 years or a
3 fine of not more than \$10,000.00 or 3 times the value of the money
4 or property used or obtained or attempted to be used or obtained,
5 whichever is greater, or both imprisonment and a fine:

6 (a) The money or property used or obtained, or attempted to be
7 used or obtained, has a value of \$1,000.00 or more but less than
8 \$20,000.00.

9 (b) The person violates subsection (3)(a) and has 1 or more
10 prior convictions for committing or attempting to commit an offense
11 under this section. For purposes of this subdivision, however, a
12 prior conviction does not include a conviction for a violation or
13 attempted violation of subsection (2) or (3)(b).

14 (5) If any of the following apply, the person is guilty of a
15 felony punishable by imprisonment for not more than 10 years or a
16 fine of not more than \$15,000.00 or 3 times the value of the money
17 or property used or obtained or attempted to be used or obtained,
18 whichever is greater, or both imprisonment and a fine:

19 (a) The money or property used or obtained, or attempted to be
20 used or obtained, has a value of \$20,000.00 or more but less than
21 \$50,000.00.

22 (b) The person violates subsection (4)(a) and has 2 or more
23 prior convictions for committing or attempting to commit an offense
24 under this section. For purposes of this subdivision, however, a
25 prior conviction does not include a conviction for a violation or
26 attempted violation of subsection (2) or (3)(b).

27 (6) If any of the following apply, the person is guilty of a
28 felony punishable by imprisonment for **life or any term of years but**
29 not ~~more~~**less** than ~~15~~**5** years or a fine of not more than \$15,000.00

1 or 3 times the value of the money or property used or obtained or
2 attempted to be used or obtained, whichever is greater, or both
3 imprisonment and a fine:

4 (a) The money or property used or obtained, or attempted to be
5 used or obtained, has a value of \$50,000.00 or more but less than
6 \$100,000.00.

7 (b) The person violates subsection (5)(a) and has 2 or more
8 prior convictions for committing or attempting to commit an offense
9 under this section. For purposes of this subdivision, however, a
10 prior conviction does not include a conviction for a violation or
11 attempted violation of subsection (2) or (3)(b).

12 (7) If any of the following apply, the person is guilty of a
13 felony punishable by imprisonment for not more than 20 years or a
14 fine of not more than \$50,000.00 or 3 times the value of the money
15 or property used or obtained or attempted to be used or obtained,
16 whichever is greater, or both imprisonment and a fine:

17 (a) The money or property used or obtained, or attempted to be
18 used or obtained, has a value of \$100,000.00 or more.

19 (b) The person violates subsection (6)(a) and has 2 or more
20 prior convictions for committing or attempting to commit an offense
21 under this section. For purposes of this subdivision, however, a
22 prior conviction does not include a conviction for a violation or
23 attempted violation of subsection (2) or (3)(b).

24 (8) Except as otherwise provided in this subsection, the
25 values of money or property used or obtained or attempted to be
26 used or obtained in separate incidents pursuant to a scheme or
27 course of conduct within any 12-month period may be aggregated to
28 determine the total value of money or personal property used or
29 obtained or attempted to be used or obtained. If the scheme or

1 course of conduct is directed against only 1 person, no time limit
2 applies to aggregation under this subsection.

3 (9) If the prosecuting attorney intends to seek an enhanced
4 sentence based upon the defendant having 1 or more prior
5 convictions, the prosecuting attorney shall include on the
6 complaint and information a statement listing the prior conviction
7 or convictions. The existence of the defendant's prior conviction
8 or convictions shall be determined by the court, without a jury, at
9 sentencing or at a separate hearing for that purpose before
10 sentencing. The existence of a prior conviction may be established
11 by any evidence relevant for that purpose, including, but not
12 limited to, 1 or more of the following:

13 (a) A copy of the judgment of conviction.

14 (b) A transcript of a prior trial, plea-taking, or sentencing.

15 (c) Information contained in a presentence report.

16 (d) The defendant's statement.

17 (10) If the sentence for a conviction under this section is
18 enhanced by 1 or more prior convictions, those prior convictions
19 shall not be used to further enhance the sentence for the
20 conviction under section 10, 11, or 12 of chapter IX of the code of
21 criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

22 (11) A financial institution or a broker or a director,
23 officer, employee, or agent of a financial institution or broker is
24 not in violation of this section while performing duties in the
25 normal course of business of a financial institution or broker or a
26 director, officer, employee, or agent of a financial institution or
27 broker.

28 (12) ~~(13)~~ The court may order a sentence imposed for a
29 violation of subsection (4), (5), (6), or (7) to be served

consecutively to any other sentence imposed for a violation of this section.

(13) ~~(14)~~—This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law the person commits while violating this section.

(14) ~~(15)~~—As used in this section:

(a) "Broker" means that term as defined in section 8102 of the uniform commercial code, 1962 PA 174, MCL 440.8102.

(b) "Financial institution" means a bank, credit union, saving bank, or a savings and loan chartered under state or federal law or an affiliate of a bank, credit union, saving bank, or savings and loan chartered under state or federal law.

(c) "Vulnerable adult" means that term as defined in section 145m, whether or not the individual has been determined by the court to be incapacitated.

(15) ~~(16)~~—If the office of services to the aging becomes aware of a violation of this section, the office of services to the aging shall promptly report the violation to the department of human services.

Sec. 193. (1) A person imprisoned in a prison of this state who breaks prison and escapes, breaks prison though an escape is not actually made, escapes, leaves the prison without being discharged by due process of law, attempts to break prison, or attempts to escape from prison, is guilty of a felony. ~~—punishable by~~ **The court shall sentence the person to further imprisonment for life or any term of years but not more than 5 years. less than 1/4 of the original sentence to be served as provided in this subsection.** The term of the further imprisonment shall be served after the termination, pursuant to law, of the sentence or

1 sentences then being served. A prisoner who breaks prison, escapes,
2 attempts to break prison, or attempts to escape, shall be charged
3 with that offense and tried in the courts of the county in which
4 the prison or penal facility to which the prisoner was committed or
5 transferred is located at the time of the breaking, escape, or
6 attempt to break or escape.

7 (2) As used in this section, "prison" means a facility that
8 houses prisoners committed to the jurisdiction of the department of
9 corrections and includes the grounds, farm, shop, road camp, or
10 place of employment operated by the facility or under control of
11 the officers of the facility, the department of corrections, a
12 police officer of this state, or any other person authorized by the
13 department of corrections to have a prisoner under care, custody,
14 or supervision, either in a facility or outside a facility, whether
15 for the purpose of work, medical care, or any other reason.

16 (3) A person who escapes from the lawful custody of a guard,
17 prison official, or an employee while outside the confines of a
18 prison is guilty of a violation of this section. A person, admitted
19 to a facility of the department of mental health from a prison
20 pursuant to sections 1001 to 1006 of the mental health code, 1974
21 PA 258, MCL 330.2001 to 330.2006, who escapes from the mental
22 health facility is guilty of a violation of this section. A person
23 released from prison under a work pass program who violates the
24 terms of the release or fails to return to the place of
25 imprisonment within the time provided is guilty of a violation of
26 this section. A person violating the conditions of a parole is not
27 an escapee under this act.

28 Sec. 195. (1) A person lawfully imprisoned in a jail for a
29 term imposed for a misdemeanor who breaks jail and escapes, breaks

1 jail though an escape is not actually made, escapes, leaves the
2 jail without being discharged from the jail by due process of law,
3 or attempts to escape from the jail, is guilty of a felony,
4 punishable by imprisonment for not more than 2 years, or by a fine
5 of not more than \$1,000.00, or both.

6 (2) A person lawfully imprisoned in a jail for a term imposed
7 for a felony who breaks jail and escapes, breaks jail though an
8 escape is not actually made, escapes, leaves the jail without being
9 discharged from the jail by due process of law, or attempts to
10 escape from the jail, is guilty of a felony. ~~A person who violates~~
11 ~~this subsection shall be imprisoned for the unexpired portion of~~
12 ~~the term of imprisonment the person was serving at the time of the~~
13 ~~violation, and any~~ **The court shall sentence the person to further**
14 **imprisonment for life or any term of years but not less than 1/4 of**
15 **the original sentence to be served as provided in this subsection.**
16 A term of imprisonment imposed for the violation of this subsection
17 ~~shall begin~~ **begins** to run at the expiration of that prior term of
18 imprisonment.

19 (3) This section does not apply to a person who left the jail
20 pursuant to a day parole granted for any purpose under section 1 of
21 ~~Act No. 60 of the Public Acts of 1962, being section 801.251 of the~~
22 ~~Michigan Compiled Laws, 1962 PA 60, MCL 801.251,~~ and who is absent
23 from the jail after the time he or she was required to return to
24 the jail unless the person has the intent to escape from
25 imprisonment.

26 (4) As used in this section, "jail" means a facility that is
27 operated by a local unit of government for the detention of persons
28 charged with, or convicted of, criminal offenses or ordinance
29 violations, or persons found guilty of civil or criminal contempt.

Sec. 197c. (1) A person lawfully imprisoned in a jail, other place of confinement established by law for any term, or lawfully imprisoned for any purpose at any other place, including, but not limited to, hospitals and other health care facilities or awaiting examination, trial, arraignment, sentence, or after sentence awaiting or during transfer to or from a prison, for a crime or offense, or charged with a crime or offense who, without being discharged from the place of confinement, or other lawful imprisonment by due process of law, through the use of violence, threats of violence or dangerous weapons, assaults an employee of the place of confinement or other custodian knowing the person to be an employee or custodian or breaks the place of confinement and escapes, or breaks the place of confinement although an escape is not actually made, is guilty of a felony ~~punishable by~~ **and the court shall sentence the person to further imprisonment for life or any term of years but not more than 5 years less than 1/2 of the original sentence** or a fine of not more than \$2,500.00, or both.

(2) As used in this section:

(a) "Place of confinement" includes a correctional facility operated by the department of corrections, a local unit of government, or a private vendor under section 20i of 1953 PA 232, MCL 791.220i.

(b) "Employee" includes persons who are employed by the place of confinement as independent contractors.

Sec. 207. (1) A person shall not place an explosive substance in or near any real or personal property with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property without the permission of the property owner or,

1 if the property is public property, without the permission of the
2 governmental agency having authority over that property.

3 (2) A person who violates this section is guilty of a crime as
4 follows:

5 (a) Except as otherwise provided in subdivisions (b) to (e),
6 the person is guilty of a felony punishable by imprisonment for
7 **life or any term of years but** not ~~more~~**less** than ~~15~~**5** years or a
8 fine of not more than \$10,000.00, or both.

9 (b) If the violation damages the property of another person,
10 the person is guilty of a felony punishable by imprisonment for not
11 more than 20 years or a fine of not more than \$15,000.00, or both.

12 (c) If the violation causes physical injury to another
13 individual, other than serious impairment of a body function, the
14 person is guilty of a felony punishable by imprisonment for not
15 more than 25 years or a fine of not more than \$20,000.00, or both.

16 (d) If the violation causes serious impairment of a body
17 function to another individual, the person is guilty of a felony
18 punishable by imprisonment for life or for any term of years or a
19 fine of not more than \$25,000.00, or both.

20 (e) Except as provided in sections 25 and 25a of chapter IX of
21 the code of criminal procedure, 1927 PA 175, MCL 769.25 and
22 769.25a, if the violation causes the death of another individual,
23 the person is guilty of a felony and shall be imprisoned for life
24 without eligibility for parole and may be fined not more than
25 \$40,000.00, or both.

26 Sec. 213. ~~Malicious threats to extort money~~~~Any~~**A** person who,
27 ~~shall,~~ either orally or by a written or printed communication,
28 maliciously ~~threaten~~**threatens** to accuse another of any crime or
29 offense, or ~~shall~~**who** orally or by any written or printed

1 communication maliciously ~~threaten~~**threatens** any injury to the
2 person or property or mother, father, husband, wife, or child of
3 another with **the** intent ~~thereby~~ to extort money or any pecuniary
4 advantage whatever, or with intent to compel the person so
5 threatened to do or refrain from doing any act against ~~his~~**the**
6 **person's** will, ~~shall be~~**is** guilty of a felony ~~, punishable by~~
7 imprisonment ~~in the state prison~~**for life or any term of years but**
8 not **less than 5** ~~more than 20 years~~ or ~~by a fine of not more than~~
9 ~~10,000 dollars.~~**\$10,000.00.**

10 Sec. 218. (1) A person who, with the intent to defraud or
11 cheat makes or uses a false pretense to do 1 or more of the
12 following is guilty of a crime punishable as provided in this
13 section:

14 (a) Cause a person to grant, convey, assign, demise, lease, or
15 mortgage land or an interest in land.

16 (b) Obtain a person's signature on a forged written
17 instrument.

18 (c) Obtain from a person any money or personal property or the
19 use of any instrument, facility, article, or other valuable thing
20 or service.

21 (d) By means of a false weight or measure obtain a larger
22 amount or quantity of property than was bargained for.

23 (e) By means of a false weight or measure sell or dispose of a
24 smaller amount or quantity of property than was bargained for.

25 (2) If the land, interest in land, money, personal property,
26 use of the instrument, facility, article, or valuable thing,
27 service, larger amount obtained, or smaller amount sold or disposed
28 of has a value of less than \$200.00, the person is guilty of a
29 misdemeanor punishable by imprisonment for not more than 93 days or

1 a fine of not more than \$500.00 or 3 times the value, whichever is
2 greater, or both imprisonment and a fine.

3 (3) If any of the following apply, the person is guilty of a
4 misdemeanor punishable by imprisonment for not more than 1 year or
5 a fine of not more than \$2,000.00 or 3 times the value, whichever
6 is greater, or both imprisonment and a fine:

7 (a) The land, interest in land, money, personal property, use
8 of the instrument, facility, article, or valuable thing, service,
9 larger amount obtained, or smaller amount sold or disposed of has a
10 value of \$200.00 or more but less than \$1,000.00.

11 (b) The person violates subsection (2) and has 1 or more prior
12 convictions for committing or attempting to commit an offense under
13 this section or a local ordinance substantially corresponding to
14 this section.

15 (4) If any of the following apply, the person is guilty of a
16 felony punishable by imprisonment for **life or any term of years but**
17 **not ~~more~~-less than 5-2 years and 6 months** or a fine of not more
18 than \$10,000.00 or 3 times the value, whichever is greater, or both
19 imprisonment and a fine:

20 (a) The land, interest in land, money, personal property, use
21 of the instrument, facility, article, or valuable thing, service,
22 larger amount obtained, or smaller amount sold or disposed of has a
23 value of \$1,000.00 or more but less than \$20,000.00.

24 (b) The person violates subsection (3) (a) and has 1 or more
25 prior convictions for committing or attempting to commit an offense
26 under this section. For purposes of this subdivision, however, a
27 prior conviction does not include a conviction for a violation or
28 attempted violation of subsection (2) or (3) (b).

29 (5) If any of the following apply, the person is guilty of a

1 felony punishable by imprisonment for **life or any term of years but**
2 not ~~more~~-**less** than ~~15~~-**5** years or a fine of not more than \$15,000.00
3 or 3 times the value, whichever is greater, or both imprisonment
4 and a fine:

5 (a) The land, interest in land, money, personal property, use
6 of the instrument, facility, article, or valuable thing, service,
7 larger amount obtained, or smaller amount sold or disposed of has a
8 value of \$20,000.00 or more but less than \$50,000.00.

9 (b) The person violates subsection (4) (a) and has 2 or more
10 prior convictions for committing or attempting to commit an offense
11 under this section. For purposes of this subdivision, however, a
12 prior conviction does not include a conviction for a violation or
13 attempted violation of subsection (2) or (3) (b).

14 (6) If any of the following apply, the person is guilty of a
15 felony punishable by imprisonment for **life or any term of years but**
16 not ~~more~~-**less** than ~~15~~-**10** years or a fine of not more than
17 \$25,000.00 or 3 times the value, whichever is greater, or both
18 imprisonment and a fine:

19 (a) The land, interest in land, money, personal property, use
20 of the instrument, facility, article, or valuable thing, service,
21 larger amount obtained, or smaller amount sold or disposed of has a
22 value of \$50,000.00 or more but less than \$100,000.00.

23 (b) The person violates subsection (5) (a) and has 2 or more
24 prior convictions for committing or attempting to commit an offense
25 under this section. For purposes of this subdivision, however, a
26 prior conviction does not include a conviction for a violation or
27 attempted violation of subsection (2) or (3) (b).

28 (7) If any of the following apply, the person is guilty of a
29 felony punishable by imprisonment for **life or any term of years but**

1 not ~~more~~**less** than ~~20~~**15** years or a fine of not more than
2 \$35,000.00 or 3 times the value, whichever is greater, or both
3 imprisonment and a fine:

4 (a) The land, interest in land, money, personal property, use
5 of the instrument, facility, article, or valuable thing, service,
6 larger amount obtained, or smaller amount sold or disposed of has a
7 value of \$100,000.00 or more.

8 (b) The person violates subsection (6) (a) and has 2 or more
9 prior convictions for committing or attempting to commit an offense
10 under this section. For purposes of this subdivision, however, a
11 prior conviction does not include a conviction for a violation or
12 attempted violation of subsection (2) or (3) (b).

13 (8) The values of land, interest in land, money, personal
14 property, use of the instrument, facility, article, or valuable
15 thing, service, larger amount obtained, or smaller amount sold or
16 disposed of in separate incidents pursuant to a scheme or course of
17 conduct within any 12-month period may be aggregated to determine
18 the total value involved in the violation of this section.

19 (9) If the prosecuting attorney intends to seek an enhanced
20 sentence based upon the defendant having 1 or more prior
21 convictions, the prosecuting attorney shall include on the
22 complaint and information a statement listing the prior conviction
23 or convictions. The existence of the defendant's prior conviction
24 or convictions shall be determined by the court, without a jury, at
25 sentencing or at a separate hearing for that purpose before
26 sentencing. The existence of a prior conviction may be established
27 by any evidence relevant for that purpose, including, but not
28 limited to, 1 or more of the following:

29 (a) A copy of the judgment of conviction.

1 (b) A transcript of a prior trial, plea-taking, or sentencing.

2 (c) Information contained in a presentence report.

3 (d) The defendant's statement.

4 (10) If the sentence for a conviction under this section is
5 enhanced by 1 or more prior convictions, those prior convictions
6 shall not be used to further enhance the sentence for the
7 conviction under section 10, 11, or 12 of chapter IX of the code of
8 criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

9 (11) As used in this section, "false pretense" includes, but
10 is not limited to, a false or fraudulent representation, writing,
11 communication, statement, or message, communicated by any means to
12 another person, that the maker of the representation, writing,
13 communication, statement, or message knows is false or fraudulent.
14 The false pretense may be a representation regarding a past or
15 existing fact or circumstance or a representation regarding the
16 intention to perform a future event or to have a future event
17 performed.

18 Sec. 224f. (1) Except as provided in subsection (2), a person
19 convicted of a felony shall not possess, use, transport, sell,
20 purchase, carry, ship, receive, or distribute a firearm in this
21 state until the expiration of 3 years after all of the following
22 circumstances exist:

23 (a) The person has paid all fines imposed for the violation.

24 (b) The person has served all terms of imprisonment imposed
25 for the violation.

26 (c) The person has successfully completed all conditions of
27 probation or parole imposed for the violation.

28 (2) A person convicted of a specified felony shall not
29 possess, use, transport, sell, purchase, carry, ship, receive, or

1 distribute a firearm in this state until all of the following
2 circumstances exist:

3 (a) The expiration of 5 years after all of the following
4 circumstances exist:

5 (i) The person has paid all fines imposed for the violation.

6 (ii) The person has served all terms of imprisonment imposed
7 for the violation.

8 (iii) The person has successfully completed all conditions of
9 probation or parole imposed for the violation.

10 (b) The person's right to possess, use, transport, sell,
11 purchase, carry, ship, receive, or distribute a firearm has been
12 restored under section 4 of 1927 PA 372, MCL 28.424.

13 (3) Except as provided in subsection (4), a person convicted
14 of a felony shall not possess, use, transport, sell, carry, ship,
15 or distribute ammunition in this state until the expiration of 3
16 years after all of the following circumstances exist:

17 (a) The person has paid all fines imposed for the violation.

18 (b) The person has served all terms of imprisonment imposed
19 for the violation.

20 (c) The person has successfully completed all conditions of
21 probation or parole imposed for the violation.

22 (4) A person convicted of a specified felony shall not
23 possess, use, transport, sell, carry, ship, or distribute
24 ammunition in this state until all of the following circumstances
25 exist:

26 (a) The expiration of 5 years after all of the following
27 circumstances exist:

28 (i) The person has paid all fines imposed for the violation.

29 (ii) The person has served all terms of imprisonment imposed

1 for the violation.

2 (iii) The person has successfully completed all conditions of
3 probation or parole imposed for the violation.

4 (b) The person's right to possess, use, transport, sell,
5 purchase, carry, ship, receive, or distribute ammunition has been
6 restored under section 4 of 1927 PA 372, MCL 28.424.

7 (5) A person convicted of a misdemeanor involving domestic
8 violence shall not possess, use, transport, sell, purchase, carry,
9 ship, receive, or distribute a firearm or ammunition in this state
10 until the expiration of 8 years after all of the following
11 circumstances exist:

12 (a) The person has paid all fines imposed for the violation.

13 (b) The person has served all terms of imprisonment imposed
14 for the violation.

15 (c) The person has successfully completed all conditions of
16 probation imposed for the violation.

17 (6) A person who possesses, uses, transports, sells,
18 purchases, carries, ships, receives, or distributes a firearm in
19 violation of this section is guilty of a felony punishable by
20 imprisonment for **life or any term of years but** not ~~more-less~~ than ~~5~~
21 **10** years or a fine of not more than \$5,000.00, or both.

22 (7) A person who possesses, uses, transports, sells, carries,
23 ships, or distributes ammunition in violation of this section is
24 guilty of a felony punishable by imprisonment for **life or any term**
25 **of years but** not ~~more-less~~ than 5 years or a fine of not more than
26 \$5,000.00, or both.

27 (8) Any single criminal transaction where a person possesses,
28 uses, transports, sells, carries, ships, or distributes ammunition
29 in violation of this section, regardless of the amount of

1 ammunition involved, constitutes 1 offense.

2 (9) This section does not apply to a conviction that has been
3 expunged or set aside, or for which the person has been pardoned,
4 unless the expunction, order, or pardon expressly provides that the
5 person shall not possess a firearm or ammunition.

6 (10) As used in this section:

7 (a) "Ammunition" means any projectile that, in its current
8 state, may be expelled from a firearm by an explosive.

9 (b) "Felony" means a violation of a law of this state, or of
10 another state, or of the United States that is punishable by
11 imprisonment for a term exceeding 1 year, or an attempt to violate
12 such a law.

13 (c) "Misdemeanor involving domestic violence" means a
14 violation of any of the following:

15 (i) Section 81(2).

16 (ii) Section 81(4) if both the violation of section 81(4) and
17 the previous conviction were for assaulting or assaulting and
18 battering an individual described in section 81(2).

19 (iii) Section 81a(2).

20 (iv) Section 115(2).

21 (v) Section 145n(5).

22 (vi) Section 377a(1)(d) or (f).

23 (vii) Section 380(5) or (7).

24 (viii) Section 411h(2)(c).

25 (ix) Section 540e(1)(h).

26 (x) An ordinance, a law of another state, or a law of the
27 United States that substantially corresponds to a violation listed
28 in subparagraphs (i) to (ix).

29 (xi) An ordinance, a law of another state, or a law of the

1 United States that is specifically designated as domestic violence.

2 (d) "Specified felony" means a felony in which 1 or more of
3 the following circumstances exist:

4 (i) An element of that felony is the use, attempted use, or
5 threatened use of physical force against the person or property of
6 another, or that by its nature involves a substantial risk that
7 physical force against the person or property of another may be
8 used in the course of committing the offense.

9 (ii) An element of that felony is the unlawful manufacture,
10 possession, importation, exportation, distribution, or dispensing
11 of a controlled substance.

12 (iii) An element of that felony is the unlawful possession or
13 distribution of a firearm.

14 (iv) An element of that felony is the unlawful use of an
15 explosive.

16 (v) The felony is burglary of an occupied dwelling, breaking
17 and entering an occupied dwelling, or arson.

18 Sec. 227b. (1) A person who carries or has in his or her
19 possession a firearm when he or she commits or attempts to commit a
20 felony, except a violation of section 223, 227, 227a, or 230, is
21 guilty of a felony and shall be punished by imprisonment for ~~2-life~~
22 **or any term of years but not less than 5** years. Upon a second
23 conviction under this subsection, the person shall be punished by
24 imprisonment for ~~5-life or any term of years but not less than 10~~
25 years. Upon a third or subsequent conviction under this subsection,
26 the person shall be punished by imprisonment for ~~10-life or any~~
27 **term of years but not less than 15** years.

28 (2) A person who carries or has in his or her possession a
29 pneumatic gun and uses that pneumatic gun in furtherance of

1 committing or attempting to commit a felony, except a violation of
2 section 223, 227, 227a, or 230, is guilty of a felony and shall be
3 punished by imprisonment for ~~2—life or any term of years but not~~
4 ~~less than 5~~ years. Upon a second conviction under this subsection,
5 the person shall be punished by imprisonment for ~~5—life or any term~~
6 ~~of years but not less than 10~~ years. Upon a third or subsequent
7 conviction under this subsection, the person shall be punished by
8 imprisonment for ~~10—life or any term of years but not less than 15~~
9 years.

10 (3) A term of imprisonment prescribed by this section is in
11 addition to the sentence imposed for the conviction of the felony
12 or the attempt to commit the felony and shall be served
13 consecutively with and preceding any term of imprisonment imposed
14 for the conviction of the felony or attempt to commit the felony.

15 (4) A term of imprisonment imposed under this section shall
16 not be suspended. The person subject to the sentence mandated by
17 this section is not eligible for parole or probation during the
18 mandatory term imposed under subsection (1) or (2).

19 (5) This section does not apply to a law enforcement officer
20 who is authorized to carry a firearm while in the official
21 performance of his or her duties and who is in the performance of
22 those duties. As used in this subsection, "law enforcement officer"
23 means a person who is regularly employed as a member of a duly
24 authorized police agency or other organization of the United
25 States, this state, or a city, county, township, or village of this
26 state and who is responsible for the prevention and detection of
27 crime and the enforcement of the general criminal laws of this
28 state.

29 Sec. 234a. (1) An individual who intentionally discharges a

1 firearm from a motor vehicle, a snowmobile, or an off-road vehicle
2 is guilty of a crime as follows:

3 (a) If the violation endangers the safety of another
4 individual, the individual is guilty of a felony punishable by
5 imprisonment for **life or any term of years but** not ~~more than 10~~
6 **less than 5** years or a fine of not more than \$10,000.00, or both.

7 (b) If the violation causes any physical injury to another
8 individual, the individual is guilty of a felony punishable by
9 imprisonment for not more than 15 years or a fine of not more than
10 \$15,000.00, or both.

11 (c) If the violation causes the serious impairment of a body
12 function of another individual, the individual is guilty of a
13 felony punishable by imprisonment for not more than 20 years or a
14 fine of not more than \$25,000.00, or both.

15 (d) If the violation causes the death of another individual,
16 the individual is guilty of a felony punishable by imprisonment for
17 life or any term of years.

18 (2) Subsection (1) does not apply to any of the following:

19 (a) A peace officer of this state or another state, or of a
20 local unit of government of this state or another state, or of the
21 United States, performing his or her duties as a peace officer
22 while on or off a scheduled work shift as a peace officer.

23 (b) An individual who discharges a firearm in self-defense or
24 the defense of another individual.

25 (3) This section does not prohibit an individual from being
26 charged with, convicted of, or punished for any other violation of
27 law that is committed by that individual while violating this
28 section.

29 (4) A term of imprisonment imposed for a violation of this

1 section may run consecutively to any term of imprisonment imposed
2 for another violation arising from the same transaction.

3 (5) As used in this section:

4 (a) "Peace officer" means that term as defined in section 215.

5 (b) "Serious impairment of a body function" means that term as
6 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
7 MCL 257.58c.

8 Sec. 317. ~~Second degree murder~~ All other kinds of murder shall
9 ~~be not described under section 316 are~~ murder of the second degree.
10 ~~, and shall be punished by~~ **The court shall sentence a person guilty**
11 **of second degree murder to** imprisonment in the state prison for
12 life ~~, or any term of years, in the discretion of the court trying~~
13 ~~the same.~~ **but not less than 20 years.**

14 Sec. 317a. A person who delivers a schedule 1 or 2 controlled
15 substance, other than marihuana, to another person in violation of
16 section 7401 of the public health code, 1978 PA 368, MCL 333.7401,
17 that is consumed by that person or any other person and that causes
18 the death of that person or other person is guilty of a felony
19 punishable by imprisonment for life or any term of years **but not**
20 **less than 15 years.**

21 Sec. 321. ~~Manslaughter~~ ~~Any~~ ~~A~~ person who ~~shall commit~~ **commits**
22 the crime of manslaughter ~~shall be~~ **is** guilty of a felony punishable
23 by imprisonment in the state prison, **for life or any term of years**
24 **but not more than 15 less than 5 years** or ~~by a~~ fine of not more
25 than ~~7,500 dollars,~~ **\$7,500.00**, or both. ~~, at the discretion of the~~
26 ~~court.~~

27 Sec. 349. (1) A person commits the crime of kidnapping if ~~he~~
28 ~~or she~~ **the person** knowingly restrains another person with the
29 intent to do 1 or more of the following:

1 (a) Hold that person for ransom or reward.

2 (b) Use that person as a shield or hostage.

3 (c) Engage in criminal sexual penetration or criminal sexual
4 contact prohibited under chapter LXXVI with that person.

5 (d) Take that person outside of this state.

6 (e) Hold that person in involuntary servitude.

7 (f) Engage in child sexually abusive activity, as that term is
8 defined in section 145c, with that person, if that person is a
9 minor.

10 (2) As used in this section, "restrain" means to restrict a
11 person's movements or to confine the person so as to interfere with
12 that person's liberty without that person's consent or without
13 legal authority. The restraint does not have to exist for any
14 particular length of time and may be related or incidental to the
15 commission of other criminal acts.

16 (3) A person who commits the crime of kidnapping is guilty of
17 a felony punishable by imprisonment for life or any term of years
18 **but not less than 15 years** or a fine of not more than \$50,000.00,
19 or both.

20 (4) This section does not prohibit the person from being
21 charged with, convicted of, or sentenced for any other violation of
22 law arising from the same transaction as the violation of this
23 section.

24 Sec. 349b. (1) A person commits the crime of unlawful
25 imprisonment if ~~he or she~~ **the person** knowingly restrains another
26 person under any of the following circumstances:

27 (a) The person is restrained by means of a weapon or dangerous
28 instrument.

29 (b) The restrained person was secretly confined.

1 (c) The person was restrained to facilitate the commission of
2 another felony or to facilitate flight after commission of another
3 felony.

4 (2) A person who commits unlawful imprisonment is guilty of a
5 felony punishable by imprisonment for **life or any term of years but**
6 not ~~more~~-**less** than ~~15~~-**10** years or a fine of not more than
7 \$20,000.00, or both.

8 (3) As used in this section:

9 (a) "Restrain" means to forcibly restrict a person's movements
10 or to forcibly confine the person so as to interfere with that
11 person's liberty without that person's consent or without lawful
12 authority. The restraint does not have to exist for any particular
13 length of time and may be related or incidental to the commission
14 of other criminal acts.

15 (b) "Secretly confined" means either of the following:

16 (i) To keep the confinement of the restrained person a secret.

17 (ii) To keep the location of the restrained person a secret.

18 (4) This section does not prohibit the person from being
19 charged with, convicted of, or sentenced for any other violation of
20 law that is committed by that person while violating this section.

21 Sec. 356. (1) A person who commits larceny by stealing any of
22 the following property of another person is guilty of a crime as
23 provided in this section:

24 (a) Money, goods, or chattels.

25 (b) A bank note, bank bill, bond, promissory note, due bill,
26 bill of exchange or other bill, draft, order, or certificate.

27 (c) A book of accounts for or concerning money or goods due,
28 to become due, or to be delivered.

29 (d) A deed or writing containing a conveyance of land or other

1 valuable contract in force.

2 (e) A receipt, release, or defeasance.

3 (f) A writ, process, or public record.

4 (g) Scrap metal.

5 (2) If any of the following apply, the person is guilty of a
6 felony punishable by imprisonment for **life or any term of years but**
7 not ~~more~~-**less** than ~~10~~-**5** years or a fine of not more than \$15,000.00
8 or 3 times the value of the property stolen, whichever is greater,
9 or both imprisonment and a fine:

10 (a) The property stolen has a value of \$20,000.00 or more.

11 (b) The person violates subsection (3)(a) and has 2 or more
12 prior convictions for committing or attempting to commit an offense
13 under this section. For purposes of this subdivision, however, a
14 prior conviction does not include a conviction for a violation or
15 attempted violation of subsection (4)(b) or (5).

16 ~~(3) If any of the following apply, the property stolen has a~~
17 **value of \$1,000.00 or more but less than \$20,000.00**, the person is
18 guilty of a felony punishable by imprisonment for **life or any term**
19 **of years but** not ~~more~~-**less** than ~~5~~-**4** years or a fine of not more
20 than \$10,000.00 or 3 times the value of the property stolen,
21 whichever is greater, or both imprisonment and a fine. ÷

22 ~~(a) The property stolen has a value of \$1,000.00 or more but~~
23 ~~less than \$20,000.00.~~

24 ~~(4) (b) The~~ **If the** person violates subsection ~~(4)(a) (5)(a)~~
25 and has 1 or more prior convictions for committing or attempting to
26 commit an offense under this section, **the person is guilty of a**
27 **felony punishable by imprisonment for life or any term of years but**
28 **not less than 3 years or a fine of not more than \$10,000.00 or 3**
29 **times the value of the property stolen, whichever is greater, or**

both imprisonment and a fine. For purposes of this ~~subdivision,~~
subsection, however, a prior conviction does not include a
 conviction for a violation or attempted violation of subsection
~~(4)(b)–(5)(b) or (5)–(6).~~

(5) ~~(4)~~—If any of the following apply, the person is guilty of
 a misdemeanor punishable by imprisonment for not more than 1 year
 or a fine of not more than \$2,000.00 or 3 times the value of the
 property stolen, whichever is greater, or both imprisonment and a
 fine:

(a) The property stolen has a value of \$200.00 or more but
 less than \$1,000.00.

(b) The person violates subsection (5) and has 1 or more prior
 convictions for committing or attempting to commit an offense under
 this section or a local ordinance substantially corresponding to
 this section.

(6) ~~(5)~~—If the property stolen has a value of less than
 \$200.00, the person is guilty of a misdemeanor punishable by
 imprisonment for not more than 93 days or a fine of not more than
 \$500.00 or 3 times the value of the property stolen, whichever is
 greater, or both imprisonment and a fine.

(7) ~~(6)~~—If the property stolen is scrap metal, then, as used
 in this section, "the value of the property stolen" means the
 greatest of the following:

(a) The replacement cost of the stolen scrap metal.

(b) The cost of repairing the damage caused by the larceny of
 the scrap metal.

(c) The sum of subdivisions (a) and (b).

(8) ~~(7)~~—The values of property stolen in separate incidents
 pursuant to a scheme or course of conduct within any 12-month

1 period may be aggregated to determine the total value of property
2 stolen.

3 **(9)** ~~(8)~~—If the prosecuting attorney intends to seek an
4 enhanced sentence based upon the defendant having 1 or more prior
5 convictions, the prosecuting attorney shall include on the
6 complaint and information a statement listing the prior conviction
7 or convictions. The existence of the defendant's prior conviction
8 or convictions shall be determined by the court, without a jury, at
9 sentencing or at a separate hearing for that purpose before
10 sentencing. The existence of a prior conviction may be established
11 by any evidence relevant for that purpose, including, but not
12 limited to, 1 or more of the following:

13 (a) A copy of the judgment of conviction.

14 (b) A transcript of a prior trial, plea-taking, or sentencing.

15 (c) Information contained in a presentence report.

16 (d) The defendant's statement.

17 **(10)** ~~(9)~~—If the sentence for a conviction under this section
18 is enhanced by 1 or more prior convictions, those prior convictions
19 shall not be used to further enhance the sentence for the
20 conviction pursuant to section 10, 11, or 12 of chapter IX of the
21 code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and
22 769.12.

23 **(11)** ~~(10)~~—As used in this section, "scrap metal" means that
24 term as defined in section 3 of the scrap metal regulatory act,
25 2008 PA 429, MCL 445.423.

26 Sec. 356a. (1) A person who commits larceny by stealing or
27 unlawfully removing or taking any wheel, tire, air bag, catalytic
28 converter, radio, stereo, clock, telephone, computer, or other
29 electronic device in or on any motor vehicle, house trailer,

1 trailer, or semitrailer is guilty of a felony punishable by
2 imprisonment for not more than 5 years or a fine of not more than
3 \$10,000.00, or both.

4 (2) Except as provided in subsection (3), a person who enters
5 or breaks into a motor vehicle, house trailer, trailer, or
6 semitrailer to steal or unlawfully remove property from it is
7 guilty of a crime as follows:

8 (a) If the value of the property is less than \$200.00, the
9 person is guilty of a misdemeanor punishable by imprisonment for
10 not more than 93 days or a fine of not more than \$500.00 or 3 times
11 the value of the property, whichever is greater, or both
12 imprisonment and a fine.

13 (b) If any of the following apply, the person is guilty of a
14 misdemeanor punishable by imprisonment for not more than 1 year or
15 a fine of not more than \$2,000.00 or 3 times the value of the
16 property, whichever is greater, or both imprisonment and a fine:

17 (i) The value of the property is \$200.00 or more but less than
18 \$1,000.00.

19 (ii) The person violates subdivision (a) and has 1 or more
20 prior convictions for committing or attempting to commit an offense
21 under this section or a local ordinance substantially corresponding
22 to this section.

23 (c) If any of the following apply, the person is guilty of a
24 felony punishable by imprisonment for **life or any term of years but**
25 ~~not more than 5~~ **less than 3** years or a fine of not more than
26 \$10,000.00 or 3 times the value of the property, whichever is
27 greater, or both imprisonment and a fine:

28 (i) The value of the property is \$1,000.00 or more but less
29 than \$20,000.00.

1 (ii) The person violates subdivision (b) (i) and has 1 or more
2 prior convictions for violating or attempting to violate this
3 section. For purposes of this subparagraph, however, a prior
4 conviction does not include a conviction for a violation or
5 attempted violation of subdivision (a) or (b) (ii).

6 (d) If any of the following apply, the person is guilty of a
7 felony punishable by imprisonment for not more than 10 years or a
8 fine of not more than \$15,000.00 or 3 times the value of the
9 property, whichever is greater, or both imprisonment and a fine:

10 (i) The property has a value of \$20,000.00 or more.

11 (ii) The person violates subdivision (c) (i) and has 2 or more
12 prior convictions for committing or attempting to commit an offense
13 under this section. For purposes of this subparagraph, however, a
14 prior conviction does not include a conviction for a violation or
15 attempted violation of subdivision (a) or (b) (ii).

16 (3) A person who violates subsection (2) (a) or (b) and who
17 breaks, tears, cuts, or otherwise damages any part of the motor
18 vehicle, house trailer, trailer, or semitrailer is guilty of a
19 felony punishable by imprisonment for **life or any term of years but**
20 ~~not more than 5~~ **less than 4** years or a fine of not more than
21 \$10,000.00, or both, regardless of the value of the property.

22 (4) The values of property stolen or unlawfully removed in
23 separate incidents pursuant to a scheme or course of conduct within
24 any 12-month period may be aggregated to determine the total value
25 of property stolen or unlawfully removed.

26 (5) If the prosecuting attorney intends to seek an enhanced
27 sentence based upon the defendant having 1 or more prior
28 convictions, the prosecuting attorney shall include on the
29 complaint and information a statement listing the prior conviction

1 or convictions. The existence of the defendant's prior conviction
 2 or convictions shall be determined by the court, without a jury, at
 3 sentencing or at a separate hearing for that purpose before
 4 sentencing. The existence of a prior conviction may be established
 5 by any evidence relevant for that purpose, including, but not
 6 limited to, 1 or more of the following:

7 (a) A copy of the judgment of conviction.

8 (b) A transcript of a prior trial, plea-taking, or sentencing.

9 (c) Information contained in a presentence report.

10 (d) The defendant's statement.

11 (e) A copy of a court register of actions.

12 (6) If the sentence for a conviction under this section is
 13 enhanced by 1 or more prior convictions, those prior convictions
 14 shall not be used to further enhance the sentence for the
 15 conviction under section 10, 11, or 12 of chapter IX of the code of
 16 criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

17 Sec. 356c. (1) A person who does any of the following in a
 18 store or in its immediate vicinity is guilty of retail fraud in the
 19 first degree, a felony, punishable by imprisonment for **life or any**
 20 **term of years but** not ~~more~~-**less** than 5 years or a fine of not more
 21 than \$10,000.00 or 3 times the value of the difference in price,
 22 property stolen, or money or property obtained or attempted to be
 23 obtained, whichever is greater, or both imprisonment and a fine:

24 (a) While a store is open to the public, alters, transfers,
 25 removes and replaces, conceals, or otherwise misrepresents the
 26 price at which property is offered for sale, with the intent not to
 27 pay for the property or to pay less than the price at which the
 28 property is offered for sale, if the resulting difference in price
 29 is \$1,000.00 or more.

1 (b) While a store is open to the public, steals property of
2 the store that is offered for sale at a price of \$1,000.00 or more.

3 (c) With intent to defraud, obtains or attempts to obtain
4 money or property from the store as a refund or exchange for
5 property that was not paid for and belongs to the store, if the
6 amount of money or the value of the property obtained or attempted
7 to be obtained is \$1,000.00 or more.

8 (2) A person who violates section 356d(1) and who has 1 or
9 more prior convictions for committing or attempting to commit an
10 offense under this section or section 218, 356, 356d(1), or 360 is
11 guilty of retail fraud in the first degree. For purposes of this
12 subsection, however, a prior conviction does not include a
13 conviction for a violation or attempted violation of section 218(2)
14 or (3)(b) or section 356(4)(b) or (5).

15 (3) The values of the difference in price, property stolen, or
16 money or property obtained or attempted to be obtained in separate
17 incidents pursuant to a scheme or course of conduct within any 12-
18 month period may be aggregated to determine the total value
19 involved in the offense under this section.

20 (4) If the prosecuting attorney intends to seek an enhanced
21 sentence based upon the defendant having 1 or more prior
22 convictions, the prosecuting attorney shall include on the
23 complaint and information a statement listing the prior conviction
24 or convictions. The existence of the defendant's prior conviction
25 or convictions shall be determined by the court, without a jury, at
26 sentencing or at a separate hearing for that purpose before
27 sentencing. The existence of a prior conviction may be established
28 by any evidence relevant for that purpose, including, but not
29 limited to, 1 or more of the following:

1 (a) A copy of the judgment of conviction.

2 (b) A transcript of a prior trial, plea-taking, or sentencing.

3 (c) Information contained in a presentence report.

4 (d) The defendant's statement.

5 (5) A person who commits retail fraud in the first degree
6 shall not be prosecuted under section 218(5) or 356(2).

7 (6) If the sentence for a conviction under this section is
8 enhanced by 1 or more prior convictions, those prior convictions
9 shall not be used to further enhance the sentence for the
10 conviction pursuant to section 10, 11, or 12 of chapter IX of the
11 code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and
12 769.12.

13 Sec. 356d. (1) A person who does any of the following in a
14 store or in its immediate vicinity is guilty of retail fraud in the
15 second degree, a ~~misdemeanor~~**felony** punishable by imprisonment for
16 **life or any term of years but** not ~~more than 1 year~~**less than 182**
17 **days** or a fine of not more than \$2,000.00 or 3 times the value of
18 the difference in price, property stolen, or money or property
19 obtained or attempted to be obtained, whichever is greater, or both
20 imprisonment and a fine:

21 (a) While a store is open to the public, alters, transfers,
22 removes and replaces, conceals, or otherwise misrepresents the
23 price at which property is offered for sale with the intent not to
24 pay for the property or to pay less than the price at which the
25 property is offered for sale if the resulting difference in price
26 is \$200.00 or more but less than \$1,000.00.

27 (b) While a store is open to the public, steals property of
28 the store that is offered for sale at a price of \$200.00 or more
29 but less than \$1,000.00.

1 (c) With intent to defraud, obtains or attempts to obtain
2 money or property from the store as a refund or exchange for
3 property that was not paid for and belongs to the store if the
4 amount of money or the value of the property obtained or attempted
5 to be obtained is \$200.00 or more but less than \$1,000.00.

6 (2) A person who violates subsection (4) and who has 1 or more
7 prior convictions for committing or attempting to commit an offense
8 under this section, section 218, 356, 356c, or 360, or a local
9 ordinance substantially corresponding to this section or section
10 218, 356, 356c, or 360 is guilty of retail fraud in the second
11 degree.

12 (3) A person who commits retail fraud in the second degree
13 shall not be prosecuted under section 360.

14 (4) A person who does any of the following in a store or in
15 its immediate vicinity is guilty of retail fraud in the third
16 degree, a misdemeanor punishable by imprisonment for not more than
17 93 days or a fine of not more than \$500.00 or 3 times the value of
18 the difference in price, property stolen, or money or property
19 obtained or attempted to be obtained, whichever is greater, or both
20 imprisonment and a fine:

21 (a) While a store is open to the public, alters, transfers,
22 removes and replaces, conceals, or otherwise misrepresents the
23 price at which property is offered for sale, with the intent not to
24 pay for the property or to pay less than the price at which the
25 property is offered for sale, if the resulting difference in price
26 is less than \$200.00.

27 (b) While a store is open to the public, steals property of
28 the store that is offered for sale at a price of less than \$200.00.

29 (c) With intent to defraud, obtains or attempts to obtain

1 money or property from the store as a refund or exchange for
 2 property that was not paid for and belongs to the store, if the
 3 amount of money, or the value of the property, obtained or
 4 attempted to be obtained is less than \$200.00.

5 (5) A person who commits retail fraud in the third degree
 6 shall not be prosecuted under section 360.

7 (6) The values of the difference in price, property stolen, or
 8 money or property obtained or attempted to be obtained in separate
 9 incidents pursuant to a scheme or course of conduct within any 12-
 10 month period may be aggregated to determine the total value
 11 involved in the offense under this section.

12 (7) If the prosecuting attorney intends to seek an enhanced
 13 sentence based upon the defendant having 1 or more prior
 14 convictions, the prosecuting attorney shall include on the
 15 complaint and information a statement listing the prior conviction
 16 or convictions. The existence of the defendant's prior conviction
 17 or convictions shall be determined by the court, without a jury, at
 18 sentencing or at a separate hearing for that purpose before
 19 sentencing. The existence of a prior conviction may be established
 20 by any evidence relevant for that purpose, including, but not
 21 limited to, 1 or more of the following:

22 (a) A copy of the judgment of conviction.

23 (b) A transcript of a prior trial, plea-taking, or sentencing.

24 (c) Information contained in a presentence report.

25 (d) The defendant's statement.

26 Sec. 357. ~~Larceny from the person—Any~~ A person who shall
 27 ~~commit~~ **commits** the offense of larceny by stealing from the person
 28 of another ~~shall be~~ **is** guilty of a felony ~~—punishable by~~
 29 imprisonment ~~in the state prison for life or any term of years but~~

1 not ~~more than 10~~ **less than 5** years.

2 Sec. 357b. A person who commits larceny by stealing the
3 firearm of another person is guilty of a felony ~~punishable by~~
4 imprisonment for **life or any term of years but** not ~~more~~ **less** than 5
5 years or ~~by a~~ fine of not more than \$2,500.00, or both.

6 Sec. 360. ~~Any~~ **A** person who ~~shall commit~~ **commits** the crime of
7 larceny by stealing in any dwelling house, house trailer, office,
8 store, gasoline service station, shop, warehouse, mill, factory,
9 hotel, school, barn, granary, ship, boat, vessel, church, house of
10 worship, locker room, or any building used by the public ~~shall be~~
11 **is** guilty of a felony. **The court shall sentence the person to**
12 **imprisonment for life or any term of years but not less than 5**
13 **years.**

14 Sec. 362. ~~Larceny by conversion, etc.~~ ~~Any~~ **A** person to whom any
15 money, goods, or other property, which may be the subject of
16 larceny, ~~shall have~~ **has** been delivered, who ~~shall embezzle~~
17 **embezzles** or fraudulently ~~convert~~ **converts** to ~~his~~ **the person's** own
18 use, or ~~shall secrete~~ **secretes** with the intent to embezzle, or
19 fraudulently use ~~such~~ **the** goods, money, or other property, or any
20 part thereof, ~~shall be deemed by so doing to have~~ **has** committed the
21 crime of larceny and ~~shall be punished as provided in the first~~
22 ~~section of this chapter.~~ **is guilty of a felony. The court shall**
23 **sentence the person to imprisonment for life or any term of years**
24 **but not less than 5 years or a fine of not more than \$10,000.00 or**
25 **3 times the value of the property stolen, whichever is greater, or**
26 **both imprisonment and a fine.**

27 Sec. 377a. (1) A person who willfully and maliciously destroys
28 or injures the personal property of another person is guilty of a
29 crime as follows:

1 (a) If any of the following apply, the person is guilty of a
2 felony punishable by imprisonment for **life or any term of years but**
3 not ~~more~~-**less** than ~~10~~-**5** years or a fine of not more than \$15,000.00
4 or 3 times the amount of the destruction or injury, whichever is
5 greater, or both imprisonment and a fine:

6 (i) The amount of the destruction or injury is \$20,000.00 or
7 more.

8 (ii) The person violates subdivision (b) (i) and has 2 or more
9 prior convictions for committing or attempting to commit an offense
10 under this section. For purposes of this subparagraph, however, a
11 prior conviction does not include a conviction for a violation or
12 attempted violation of subdivision (c) (ii), (e), or (f).

13 (b) If any of the following apply, the person is guilty of a
14 felony punishable by imprisonment for **life or any term of years but**
15 not ~~more~~-**less** than ~~5~~-**4** years or a fine of not more than \$10,000.00
16 or 3 times the amount of the destruction or injury, whichever is
17 greater, or both imprisonment and a fine:

18 (i) The amount of the destruction or injury is \$1,000.00 or
19 more but less than \$20,000.00.

20 (ii) The person violates subdivision (c) (i) and has 1 or more
21 prior convictions for committing or attempting to commit an offense
22 under this section. For purposes of this subparagraph, however, a
23 prior conviction does not include a conviction for a violation or
24 attempted violation of subdivision (c) (ii), (e), or (f).

25 (c) If any of the following apply, the person is guilty of a
26 misdemeanor punishable by imprisonment for not more than 1 year or
27 a fine of not more than \$2,000.00 or 3 times the amount of the
28 destruction or injury, whichever is greater, or both imprisonment
29 and a fine:

1 (i) The amount of the destruction or injury is \$200.00 or more
2 but less than \$1,000.00.

3 (ii) The person violates subdivision (e) or (f) and has 1 or
4 more prior convictions for committing or attempting to commit an
5 offense under this section or a local ordinance substantially
6 corresponding to this section.

7 (d) If the person and the property owner are spouses or former
8 spouses, have or have had a dating relationship, have or have had a
9 child in common, or are residents or former residents of the same
10 household, and any of the following apply, the person is guilty of
11 a misdemeanor punishable by imprisonment for not more than 1 year
12 or a fine of not more than \$2,000.00 or 3 times the amount of the
13 destruction or injury, whichever is greater, or both imprisonment
14 and a fine:

15 (i) The amount of the destruction or injury is \$200.00 or more
16 but less than \$1,000.00.

17 (ii) The person violates subdivision (e) or (f) and has 1 or
18 more prior convictions for committing or attempting to commit an
19 offense under this section or a local ordinance substantially
20 corresponding to this section.

21 (e) If the amount of the destruction or injury is less than
22 \$200.00, the person is guilty of a misdemeanor punishable by
23 imprisonment for not more than 93 days or a fine of not more than
24 \$500.00 or 3 times the amount of the destruction or injury,
25 whichever is greater, or both imprisonment and a fine.

26 (f) If the person and the property owner are spouses or former
27 spouses, have or have had a dating relationship, have or have had a
28 child in common, or are residents or former residents of the same
29 household and the amount of the destruction or injury is less than

1 \$200.00, the person is guilty of a misdemeanor punishable by
2 imprisonment for not more than 93 days or a fine of not more than
3 \$500.00 or 3 times the amount of the destruction or injury,
4 whichever is greater, or both imprisonment and a fine.

5 (2) The amounts of destruction or injury in separate incidents
6 pursuant to a scheme or course of conduct within any 12-month
7 period may be aggregated in determining the total amount of the
8 destruction or injury.

9 (3) If the prosecuting attorney intends to seek an enhanced
10 sentence based upon the defendant having 1 or more prior
11 convictions, the prosecuting attorney shall include on the
12 complaint and information a statement listing the prior conviction
13 or convictions. The existence of the defendant's prior conviction
14 or convictions must be determined by the court, without a jury, at
15 sentencing or at a separate hearing for that purpose before
16 sentencing. The existence of a prior conviction may be established
17 by any evidence relevant for that purpose, including, but not
18 limited to, 1 or more of the following:

19 (a) A copy of the judgment of conviction.

20 (b) A transcript of a prior trial, plea-taking, or sentencing.

21 (c) Information contained in a presentence report.

22 (d) The defendant's statement.

23 (4) If the sentence for a conviction under this section is
24 enhanced by 1 or more prior convictions, those prior convictions
25 must not be used to further enhance the sentence for the conviction
26 pursuant to section 10, 11, or 12 of chapter IX of the code of
27 criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

28 (5) As used in this section, "dating relationship" means
29 frequent, intimate associations primarily characterized by the

1 expectation of affectional involvement. This term does not include
 2 a casual relationship or an ordinary fraternization between 2
 3 individuals in a business or social context.

4 Sec. 377b. ~~Maliciously destroying or injuring certain personal~~
 5 ~~property~~ Any ~~A~~ person who ~~shall willfully~~ **willfully** and maliciously
 6 ~~destroy~~ **destroys** or ~~injure~~ **injures** the personal property of any
 7 fire or police department, including the Michigan state police,
 8 ~~shall be~~ **is** guilty of a felony. **The court shall sentence the person**
 9 **to imprisonment for life or any term of years but not less than 5**
 10 **years.**

11 Sec. 380. (1) A person shall not willfully and maliciously
 12 destroy or injure another person's house, barn, or other building
 13 or its appurtenances.

14 (2) If any of the following apply, a person who violates
 15 subsection (1) is guilty of a felony punishable by imprisonment for
 16 **life or any term of years but** not ~~more~~ **less** than 10 years, ~~or a~~
 17 fine of not more than \$15,000.00 or 3 times the amount of the
 18 destruction or injury, whichever is greater, or both imprisonment
 19 and a fine:

20 (a) The amount of the destruction or injury is \$20,000.00 or
 21 more.

22 (b) The person violates subsection (3) (a) and has 2 or more
 23 prior convictions for committing or attempting to commit an offense
 24 under this section. For purposes of this subdivision, however, a
 25 prior conviction does not include a conviction for a violation or
 26 attempted violation of subsection (4) (b), (5) (b), (6), or (7).

27 (3) If any of the following apply, a person who violates
 28 subsection (1) is guilty of a felony punishable by imprisonment for
 29 **life or any term of years but** not ~~more than 5~~ **less than 2** years or

1 a fine of not more than \$10,000.00 or 3 times the amount of the
2 destruction or injury, whichever is greater, or both imprisonment
3 and a fine:

4 (a) The amount of the destruction or injury is \$1,000.00 or
5 more but less than \$20,000.00.

6 (b) The person violates subsection (4) (a) and has 1 or more
7 prior convictions for committing or attempting to commit an offense
8 under this section. For purposes of this subdivision, however, a
9 prior conviction does not include a conviction for a violation or
10 attempted violation of subsection (4) (b), (5) (b), (6), or (7).

11 (4) If any of the following apply, a person who violates
12 subsection (1) is guilty of a misdemeanor punishable by
13 imprisonment for not more than 1 year or a fine of not more than
14 \$2,000.00 or 3 times the amount of the destruction or injury,
15 whichever is greater, or both imprisonment and a fine:

16 (a) The amount of the destruction or injury is \$200.00 or more
17 but less than \$1,000.00.

18 (b) The person violates subsection (6) or (7) and has 1 or
19 more prior convictions for committing or attempting to commit an
20 offense under this section or a local ordinance substantially
21 corresponding to this section.

22 (5) If the person and the property owner are spouses or former
23 spouses, have or have had a dating relationship, have or have had a
24 child in common, or are residents or former residents of the same
25 household and if any of the following apply, the person who
26 violates subsection (1) is guilty of a misdemeanor punishable by
27 imprisonment for not more than 1 year or a fine of not more than
28 \$2,000.00 or 3 times the amount of the destruction or injury,
29 whichever is greater, or both imprisonment and a fine:

1 (a) The amount of the destruction or injury is \$200.00 or more
2 but less than \$1,000.00.

3 (b) The person violates subsection (6) or (7) and has 1 or
4 more prior convictions for committing or attempting to commit an
5 offense under this section or a local ordinance substantially
6 corresponding to this section.

7 (6) If the amount of the destruction or injury is less than
8 \$200.00, a person who violates subsection (1) is guilty of a
9 misdemeanor punishable by imprisonment for not more than 93 days or
10 a fine of not more than \$500.00 or 3 times the amount of the
11 destruction or injury, whichever is greater, or both imprisonment
12 and a fine.

13 (7) If the person and the property owner are spouses or former
14 spouses, have or have had a dating relationship, have or have had a
15 child in common, or are residents or former residents of the same
16 household and if the amount of the destruction or injury is less
17 than \$200.00, the person who violates subsection (1) is guilty of a
18 misdemeanor punishable by imprisonment for not more than 93 days or
19 a fine of not more than \$500.00 or 3 times the amount of the
20 destruction or injury, whichever is greater, or both imprisonment
21 and a fine.

22 (8) The amounts of the destruction or injury in separate
23 incidents pursuant to a scheme or course of conduct within any 12-
24 month period may be aggregated to determine the total amount of the
25 destruction or injury.

26 (9) If the prosecuting attorney intends to seek an enhanced
27 sentence based upon the defendant having 1 or more prior
28 convictions, the prosecuting attorney shall include on the
29 complaint and information a statement listing the prior conviction

1 or convictions. The existence of the defendant's prior conviction
2 or convictions must be determined by the court, without a jury, at
3 sentencing or at a separate hearing for that purpose before
4 sentencing. The existence of a prior conviction may be established
5 by any evidence relevant for that purpose, including, but not
6 limited to, 1 or more of the following:

7 (a) A copy of the judgment of conviction.

8 (b) A transcript of a prior trial, plea-taking, or sentencing.

9 (c) Information contained in a presentence report.

10 (d) The defendant's statement.

11 (10) If the sentence for a conviction under this section is
12 enhanced by 1 or more prior convictions, those prior convictions
13 must not be used to further enhance the sentence for the conviction
14 pursuant to section 10, 11, or 12 of chapter IX of the code of
15 criminal procedure, 1927 PA 175, 769.10, 769.11, and 769.12.

16 (11) As used in this section, "dating relationship" means
17 frequent, intimate associations primarily characterized by the
18 expectation of affectional involvement. This term does not include
19 a casual relationship or an ordinary fraternization between 2
20 individuals in a business or social context.

21 Sec. 383a. A person, without lawful authority, shall not
22 willfully cut, break, obstruct, injure, destroy, tamper with or
23 manipulate, deface, or steal any machinery, tools, equipment,
24 telephone line or post, telegraph line or post, telecommunication
25 line, tower, or post, electric line, post, tower or supporting
26 structures, electric wire, insulator, switch, or signal, natural
27 gas pipeline, water pipeline, steam heat pipeline or the valves or
28 other appliances or equipment appertaining to or used in connection
29 with those lines, or any other appliance or component of the

1 electric, telecommunication, or natural gas infrastructure that is
2 the property of a utility. A person who violates this section is
3 guilty of a felony punishable by imprisonment for not ~~more~~**less**
4 than 5 years or a fine of not more than \$5,000.00, or both. As used
5 in this section, "utility" includes any pipeline, gas, electric,
6 heat, water, oil, sewer, telephone, telegraph, telecommunication,
7 radio, railway, railroad, airplane, transportation, communication,
8 or other system, whether or not publicly owned, that is operated
9 for the public use.

10 Sec. 411h. (1) As used in this section:

11 (a) "Course of conduct" means a pattern of conduct composed of
12 a series of 2 or more separate noncontinuous acts evidencing a
13 continuity of purpose.

14 (b) "Dating relationship" means frequent, intimate
15 associations primarily characterized by the expectation of
16 affectional involvement. This term does not include a casual
17 relationship or an ordinary fraternization between 2 individuals in
18 a business or social context.

19 (c) "Emotional distress" means significant mental suffering or
20 distress that may, but does not necessarily, require medical or
21 other professional treatment or counseling.

22 (d) "Harassment" means conduct directed toward a victim that
23 includes, but is not limited to, repeated or continuing unconsented
24 contact that would cause a reasonable individual to suffer
25 emotional distress and that actually causes the victim to suffer
26 emotional distress. Harassment does not include constitutionally
27 protected activity or conduct that serves a legitimate purpose.

28 (e) "Stalking" means a willful course of conduct involving
29 repeated or continuing harassment of another individual that would

1 cause a reasonable person to feel terrorized, frightened,
 2 intimidated, threatened, harassed, or molested and that actually
 3 causes the victim to feel terrorized, frightened, intimidated,
 4 threatened, harassed, or molested.

5 (f) "Unconsented contact" means any contact with another
 6 individual that is initiated or continued without that individual's
 7 consent or in disregard of that individual's expressed desire that
 8 the contact be avoided or discontinued. Unconsented contact
 9 includes, but is not limited to, any of the following:

10 (i) Following or appearing within the sight of that individual.

11 (ii) Approaching or confronting that individual in a public
 12 place or on private property.

13 (iii) Appearing at that individual's workplace or residence.

14 (iv) Entering onto or remaining on property owned, leased, or
 15 occupied by that individual.

16 (v) Contacting that individual by telephone.

17 (vi) Sending mail or electronic communications to that
 18 individual.

19 (vii) Placing an object on, or delivering an object to,
 20 property owned, leased, or occupied by that individual.

21 (g) "Victim" means an individual who is the target of a
 22 willful course of conduct involving repeated or continuing
 23 harassment.

24 (2) An individual who engages in stalking is guilty of a crime
 25 as follows:

26 (a) Except as provided in subdivision (b), a ~~misdemeanor~~
 27 ~~punishable by~~ **felony, and the court shall sentence the person to**
 28 **imprisonment for life or any term of years but not more** ~~less~~ **than 1**
 29 ~~year~~ **2 years and 6 months** or a fine of not more than \$1,000.00, or

1 both.

2 (b) If the victim was less than 18 years of age at any time
3 during the individual's course of conduct and the individual is 5
4 or more years older than the victim, a felony ~~punishable by~~ **and the**
5 **court shall sentence the person to** imprisonment for **life or any**
6 **term of years but** not ~~more~~ **less** than 5 years or a fine of not more
7 than \$10,000.00, or both.

8 (c) If the victim and the individual are spouses or former
9 spouses, have or have had a dating relationship, have or have had a
10 child in common, or are residents or former residents of the same
11 household, a misdemeanor punishable by imprisonment for not more
12 than 1 year or a fine of not more than \$1,000.00, or both.

13 ~~(3) The court may place an individual convicted of violating~~
14 ~~this section on probation for a term of not more than 5 years. If a~~
15 ~~term of probation is ordered, the court may, in addition to any~~
16 ~~other lawful condition of probation, order the defendant to do any~~
17 ~~of the following:~~

18 ~~(a) Refrain from stalking any individual during the term of~~
19 ~~probation.~~

20 ~~(b) Refrain from having any contact with the victim of the~~
21 ~~offense.~~

22 ~~(c) Be evaluated to determine the need for psychiatric,~~
23 ~~psychological, or social counseling and if, determined appropriate~~
24 ~~by the court, to receive psychiatric, psychological, or social~~
25 ~~counseling at the individual's own expense.~~

26 **(3)** ~~(4)~~ In a prosecution for a violation of this section,
27 evidence that the defendant continued to engage in a course of
28 conduct involving repeated unconsented contact with the victim
29 after having been requested by the victim to discontinue the same

1 or a different form of unconsented contact, and to refrain from any
2 further unconsented contact with the victim, gives rise to a
3 rebuttable presumption that the continuation of the course of
4 conduct caused the victim to feel terrorized, frightened,
5 intimidated, threatened, harassed, or molested.

6 (4) ~~(5)~~—A criminal penalty provided for under this section may
7 be imposed in addition to any penalty that may be imposed for any
8 other criminal offense arising from the same conduct or for any
9 contempt of court arising from the same conduct.

10 Sec. 411i. (1) As used in this section:

11 (a) "Course of conduct" means a pattern of conduct composed of
12 a series of 2 or more separate noncontinuous acts evidencing a
13 continuity of purpose.

14 (b) "Credible threat" means a threat to kill another
15 individual or a threat to inflict physical injury upon another
16 individual that is made in any manner or in any context that causes
17 the individual hearing or receiving the threat to reasonably fear
18 for his or her safety or the safety of another individual.

19 (c) "Emotional distress" means significant mental suffering or
20 distress that may, but does not necessarily, require medical or
21 other professional treatment or counseling.

22 (d) "Harassment" means conduct directed toward a victim that
23 includes, but is not limited to, repeated or continuing unconsented
24 contact that would cause a reasonable individual to suffer
25 emotional distress and that actually causes the victim to suffer
26 emotional distress. Harassment does not include constitutionally
27 protected activity or conduct that serves a legitimate purpose.

28 (e) "Stalking" means a willful course of conduct involving
29 repeated or continuing harassment of another individual that would

1 cause a reasonable person to feel terrorized, frightened,
2 intimidated, threatened, harassed, or molested and that actually
3 causes the victim to feel terrorized, frightened, intimidated,
4 threatened, harassed, or molested.

5 (f) "Unconsented contact" means any contact with another
6 individual that is initiated or continued without that individual's
7 consent or in disregard of that individual's expressed desire that
8 the contact be avoided or discontinued. Unconsented contact
9 includes, but is not limited to, any of the following:

10 (i) Following or appearing within the sight of that individual.

11 (ii) Approaching or confronting that individual in a public
12 place or on private property.

13 (iii) Appearing at that individual's workplace or residence.

14 (iv) Entering onto or remaining on property owned, leased, or
15 occupied by that individual.

16 (v) Contacting that individual by telephone.

17 (vi) Sending mail or electronic communications to that
18 individual.

19 (vii) Placing an object on, or delivering an object to,
20 property owned, leased, or occupied by that individual.

21 (g) "Victim" means an individual who is the target of a
22 willful course of conduct involving repeated or continuing
23 harassment.

24 (2) An individual who engages in stalking is guilty of
25 aggravated stalking if the violation involves any of the following
26 circumstances:

27 (a) At least 1 of the actions constituting the offense is in
28 violation of a restraining order and the individual has received
29 actual notice of that restraining order or at least 1 of the

1 actions is in violation of an injunction or preliminary injunction.

2 (b) At least 1 of the actions constituting the offense is in
3 violation of a condition of probation, a condition of parole, a
4 condition of pretrial release, or a condition of release on bond
5 pending appeal.

6 (c) The course of conduct includes the making of 1 or more
7 credible threats against the victim, a member of the victim's
8 family, or another individual living in the same household as the
9 victim.

10 (d) The individual has been previously convicted of a
11 violation of this section or section 411h.

12 (3) Aggravated stalking is a felony. ~~punishable as follows:~~

13 ~~(a) Except as provided in subdivision (b), by~~ **The court shall**
14 **sentence the person to imprisonment for life or any term of years**
15 **but not more-less** than 5 years or a fine of not more than
16 \$10,000.00, or both.

17 ~~(b) If the victim was less than 18 years of age at any time~~
18 ~~during the individual's course of conduct and the individual is 5~~
19 ~~or more years older than the victim, by imprisonment for not more~~
20 ~~than 10 years or a fine of not more than \$15,000.00, or both.~~

21 ~~(4) The court may place an individual convicted of violating~~
22 ~~this section on probation for any term of years, but not less than~~
23 ~~5 years. If a term of probation is ordered, the court may, in~~
24 ~~addition to any other lawful condition of probation, order the~~
25 ~~defendant to do any of the following:~~

26 ~~(a) Refrain from stalking any individual during the term of~~
27 ~~probation.~~

28 ~~(b) Refrain from any contact with the victim of the offense.~~

29 ~~(c) Be evaluated to determine the need for psychiatric,~~

~~psychological, or social counseling and, if determined appropriate by the court, to receive psychiatric, psychological, or social counseling at his or her own expense.~~

(4) ~~(5)~~—In a prosecution for a violation of this section, evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, gives rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

(5) ~~(6)~~—A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for contempt of court arising from the same conduct.

Sec. 411u. (1) If a person who is an associate or a member of a gang commits a felony or attempts to commit a felony and the person's association or membership in the gang provides the motive, means, or opportunity to commit the felony, the person is guilty of a felony punishable by imprisonment for **life or any term of years** **but** not ~~more~~**less** than ~~20~~**10** years. As used in this section:

(a) "Gang" means an ongoing organization, association, or group of 5 or more people, other than a nonprofit organization, that identifies itself by all of the following:

(i) A unifying mark, manner, protocol, or method of expressing membership, including a common name, sign or symbol, means of recognition, geographical or territorial sites, or boundary or location.

1 (ii) An established leadership or command structure.

2 (iii) Defined membership criteria.

3 (b) "Gang member" or "member of a gang" means a person who
4 belongs to a gang.

5 (2) A sentence imposed under this section is in addition to
6 the sentence imposed for the conviction of the underlying felony or
7 the attempt to commit the underlying felony and may be served
8 consecutively with and preceding any term of imprisonment imposed
9 for the conviction of the felony or attempt to commit the felony.

10 Sec. 451. (1) Except as otherwise provided in this section, a
11 person convicted of violating section 448, 449, 449a(1), 450, or
12 462 is guilty of a misdemeanor punishable by imprisonment for not
13 more than 93 days or a fine of not more than \$500.00, or both.

14 (2) A person 16 years of age or older who is convicted of
15 violating section 448, 449, 449a(1), 450, or 462 and who has 1
16 prior conviction is guilty of a misdemeanor punishable by
17 imprisonment for not more than 1 year or a fine of not more than
18 \$1,000.00, or both.

19 (3) A person convicted of violating section 448, 449, 449a(1),
20 450, or 462 and who has 2 or more prior convictions is guilty of a
21 felony punishable by imprisonment for not more than 2 years or a
22 fine of not more than \$2,000.00, or both.

23 (4) A person convicted of violating section 449a(2) is guilty
24 of a felony punishable by imprisonment for **life or any term of**
25 **years** not ~~more~~ **less** than ~~5~~ **20** years or a fine of not more than
26 \$10,000.00, or both.

27 (5) If the prosecuting attorney intends to seek an enhanced
28 sentence based upon the defendant having 1 or more prior
29 convictions, the prosecuting attorney shall include on the

1 complaint and information a statement listing the prior conviction
2 or convictions. The existence of the defendant's prior conviction
3 or convictions shall be determined by the court, without a jury, at
4 sentencing or at a separate hearing for that purpose before
5 sentencing. The existence of a prior conviction may be established
6 by any evidence relevant for that purpose, including, but not
7 limited to, 1 or more of the following:

8 (a) A copy of the judgment of conviction.

9 (b) A transcript of a prior trial, plea-taking, or sentencing.

10 (c) Information contained in a presentence report.

11 (d) The defendant's statement.

12 (6) In any prosecution of a person under 18 years of age for
13 an offense punishable under this section or a local ordinance
14 substantially corresponding to an offense punishable under this
15 section, it shall be presumed that the person under 18 years of age
16 was coerced into child sexually abusive activity or commercial
17 sexual activity in violation of section 462e or otherwise forced or
18 coerced into committing that offense by another person engaged in
19 human trafficking in violation of sections 462a to 462h. The
20 prosecution may overcome this presumption by proving beyond a
21 reasonable doubt that the person was not forced or coerced into
22 committing the offense. The state may petition the court to find
23 the person under 18 years of age to be dependent and in danger of
24 substantial physical or psychological harm under section 2(b)(3) of
25 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.
26 A person under 18 years of age who fails to substantially comply
27 with court-ordered services under section 2(b)(3) of chapter XIIA
28 of the probate code of 1939, 1939 PA 288, MCL 712A.2, is not
29 eligible for the presumption under this section.

1 (7) Excluding any reasonable period of detention for
2 investigation purposes, a law enforcement officer who encounters a
3 person under 18 years of age engaging in any conduct that would be
4 a violation of section 448, 449, 450, or 462, or a local ordinance
5 substantially corresponding to section 448, 449, 450, or 462, if
6 engaged in by a person 16 years of age or over shall immediately
7 report to the department of health and human services a suspected
8 violation of human trafficking involving a person under 18 years of
9 age in violation of sections 462a to 462h.

10 (8) The department of health and human services shall begin an
11 investigation of a human trafficking violation reported to the
12 department of health and human services under subsection (7) within
13 24 hours after the report is made to the department of health and
14 human services, as provided in section 8 of the child protection
15 law, 1975 PA 238, MCL 722.628. The investigation shall include a
16 determination as to whether the person under 18 years of age is
17 dependent and in danger of substantial physical or psychological
18 harm under section 2(b)(3) of chapter XIIIA of the probate code of
19 1939, 1939 PA 288, MCL 712A.2.

20 (9) As used in this section, "prior conviction" means a
21 violation of section 448, 449, 449a(1), 450, or 462 or a violation
22 of a law of another state or of a political subdivision of this
23 state or another state substantially corresponding to section 448,
24 449, 449a(1), 450, or 462.

25 Sec. 459. (1) A person shall not knowingly transport or cause
26 to be transported, or aid or assist in obtaining transportation
27 for, by any means of conveyance, into, through, or across this
28 state, any person for the purpose of prostitution or with the
29 intent and purpose to induce, entice, or compel that person to

1 become a prostitute. A person who violates this subsection is
2 guilty of a felony punishable by imprisonment for **life or any term**
3 **of years but** not ~~more than 20~~ **less than 10** years or a fine of not
4 more than \$20,000.00, or both.

5 (2) A person shall not knowingly sell or offer to sell travel
6 services that include or facilitate travel for the purpose of
7 engaging in what would be a violation of this chapter, concerning
8 prostitution, or of chapter LXVIIA, concerning human trafficking,
9 if the violation occurred in this state. Except as provided in
10 subsection (3), a person who violates this subsection is guilty of
11 a felony punishable by imprisonment for not more than 5 years or a
12 fine of not more than \$10,000.00, or both.

13 (3) If a person violates subsection (2) and the violation
14 involves conduct against a minor, the person is guilty of a felony
15 punishable by imprisonment for not more than 10 years or a fine of
16 not more than \$15,000.00, or both.

17 (4) A person who violates this section may be prosecuted,
18 indicted, tried, and convicted in any county or city in or through
19 which he or she shall transport or attempt to transport any person
20 in violation of this section.

21 (5) As used in this section, "travel services" means
22 transportation by air, sea, or ground, hotel or other lodging
23 accommodations, package tours, or the provision of vouchers or
24 coupons to be redeemed for future travel, or accommodations for a
25 fee, commission, or other valuable consideration.

26 Sec. 479. (1) A person shall not knowingly and willfully do
27 any of the following:

28 (a) Assault, batter, wound, obstruct, or endanger a medical
29 examiner, township treasurer, judge, magistrate, probation officer,

1 parole officer, prosecutor, city attorney, court employee, court
2 officer, or other officer or duly authorized person serving or
3 attempting to serve or execute any process, rule, or order made or
4 issued by lawful authority or otherwise acting in the performance
5 of his or her duties.

6 (b) Assault, batter, wound, obstruct, or endanger an officer
7 enforcing an ordinance, law, rule, order, or resolution of the
8 common council of a city board of trustees, the common council or
9 village council of an incorporated village, or a township board of
10 a township.

11 (2) Except as provided in subsections (3), (4), and (5), a
12 person who violates this section is guilty of a felony punishable
13 by imprisonment for **life or any term of years but** not ~~more than 2~~
14 ~~years~~ **less than 1 year and 6 months** or a fine of not more than
15 \$2,000.00, or both.

16 (3) A person who violates this section and by that violation
17 causes a bodily injury requiring medical attention or medical care
18 to an individual described in this section is guilty of a felony
19 punishable by imprisonment for not more than 4 years or a fine of
20 not more than \$5,000.00, or both.

21 (4) A person who violates this section and by that violation
22 causes serious impairment of a body function of an individual
23 described in this section is guilty of a felony punishable by
24 imprisonment for not more than 10 years or a fine of not more than
25 \$10,000.00, or both.

26 (5) A person who violates this section and by that violation
27 causes the death of an individual described in this section is
28 guilty of a felony punishable by imprisonment for not more than 20
29 years or a fine of not more than \$20,000.00, or both.

1 (6) This section does not prohibit an individual from being
2 charged with, convicted of, or punished for any other violation of
3 law that is committed by that individual while violating this
4 section.

5 (7) The court may order a term of imprisonment for a violation
6 of this section to be served consecutively to any other term of
7 imprisonment imposed for a violation arising out of the same
8 criminal transaction as the violation of this section.

9 (8) As used in this section:

10 (a) "Obstruct" includes the use or threatened use of physical
11 interference or force or a knowing failure to comply with a lawful
12 command.

13 (b) "Serious impairment of a body function" means that term as
14 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
15 MCL 257.58c.

16 Sec. 479a. (1) An operator of a motor vehicle or vessel who is
17 given by hand, voice, emergency light, or siren a visual or audible
18 signal by a police or conservation officer, acting in the lawful
19 performance of his or her duty, directing the operator to bring his
20 or her motor vehicle or vessel to a stop shall not willfully fail
21 to obey that direction by increasing the speed of the vehicle or
22 vessel, extinguishing the lights of the vehicle or vessel, or
23 otherwise attempting to flee or elude the police or conservation
24 officer. This subsection does not apply unless the police or
25 conservation officer giving the signal is in uniform and the
26 officer's vehicle or vessel is identified as an official police or
27 department of natural resources vehicle or vessel.

28 (2) Except as provided in subsection (3), (4), or (5), an
29 individual who violates subsection (1) is guilty of fourth-degree

1 fleeing and eluding, a felony, punishable by imprisonment for **life**
2 **or any term of years but** not ~~more~~-**less** than 2 years or a fine of
3 not more than \$2,000.00, or both.

4 (3) Except as provided in subsection (4) or (5), an individual
5 who violates subsection (1) is guilty of third-degree fleeing and
6 eluding, a felony, punishable by imprisonment for **life or any term**
7 **of years but** not ~~more~~-**less** than ~~5~~-**4** years or a fine of not more
8 than \$5,000.00, or both, if 1 or more of the following
9 circumstances apply:

10 (a) The violation results in a collision or accident.

11 (b) For a motor vehicle, a portion of the violation occurred
12 in an area where the speed limit is 35 miles an hour or less,
13 whether that speed limit is posted or imposed as a matter of law
14 or, for a vessel, a portion of the violation occurred in an area
15 designated as "slow--no wake", "no wake", or "restricted" whether
16 the area is posted or created by law or administrative rule.

17 (c) The individual has a prior conviction for fourth-degree
18 fleeing and eluding, attempted fourth-degree fleeing and eluding,
19 or fleeing and eluding under a current or former law of this state
20 prohibiting substantially similar conduct.

21 (4) Except as provided in subsection (5), an individual who
22 violates subsection (1) is guilty of second-degree fleeing and
23 eluding, a felony, punishable by imprisonment for **life or any term**
24 **of years but** not ~~more~~-**less** than ~~10~~-**6** years or a fine of not more
25 than \$10,000.00, or both, if 1 or more of the following
26 circumstances apply:

27 (a) The violation results in serious impairment of a body
28 function of an individual.

29 (b) The individual has 1 or more prior convictions for first-,

1 second-, or third-degree fleeing and eluding, attempted first-,
2 second-, or third-degree fleeing and eluding, or fleeing and
3 eluding under a current or former law of this state prohibiting
4 substantially similar conduct.

5 (c) The individual has any combination of 2 or more prior
6 convictions for fourth-degree fleeing and eluding, attempted
7 fourth-degree fleeing and eluding, or fleeing and eluding under a
8 current or former law of this state prohibiting substantially
9 similar conduct.

10 (5) If the violation results in the death of another
11 individual, an individual who violates subsection (1) is guilty of
12 first-degree fleeing and eluding, a felony punishable by
13 imprisonment for not more than 15 years or a fine of not more than
14 \$15,000.00, or both.

15 (6) Upon a conviction for a violation or attempted violation
16 under subsection (2) or (3), the following apply:

17 (a) If the individual was operating a motor vehicle, the
18 secretary of state shall suspend the individual's operator's or
19 chauffeur's license as provided in section 319 of the Michigan
20 vehicle code, 1949 PA 300, MCL 257.319.

21 (b) If the individual was operating a vessel, the individual's
22 privilege to operate a vessel shall be suspended for a period not
23 to exceed 5 years.

24 (7) Upon a conviction for a violation or attempted violation
25 under subsection (4) or (5), the following apply:

26 (a) If the individual was operating a motor vehicle, the
27 secretary of state shall revoke the individual's operator's or
28 chauffeur's license as provided in section 303 of the Michigan
29 vehicle code, 1949 PA 300, MCL 257.303.

1 (b) If the individual was operating a vessel, the individual's
2 privilege to operate a vessel shall be revoked for a period of not
3 less than 5 years.

4 (8) Except as otherwise provided in this subsection, a
5 conviction under this section does not prohibit a conviction and
6 sentence under any other applicable provision for conduct arising
7 out of the same transaction. A conviction under subsection (2),
8 (3), (4), or (5) prohibits a conviction under section 602a of the
9 Michigan vehicle code, 1949 PA 300, MCL 257.602a, for conduct
10 arising out of the same transaction.

11 (9) As used in this section:

12 (a) "Prior conviction" means:

13 (i) For a violation of this section while operating a motor
14 vehicle, the person had a previous conviction for a violation of
15 this section while operating a motor vehicle or a previous
16 conviction for fleeing and eluding under a current or former law of
17 this state prohibiting substantially similar conduct while
18 operating a motor vehicle.

19 (ii) For a violation of this section while operating a vessel,
20 the person had a previous conviction for a violation of this
21 section while operating a vessel.

22 (b) "Serious impairment of a body function" means that term as
23 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
24 MCL 257.58c.

25 (c) "Vessel" means that term as defined in section 80104 of
26 the natural resources and environmental protection act, 1994 PA
27 451, MCL 324.80104.

28 (10) This section ~~shall~~**may** be known ~~and may be cited~~ as the
29 "Lieutenant Donald Bezenah law".

1 Sec. 479b. (1) An individual who takes a weapon other than a
2 firearm from the lawful possession of a peace officer or a
3 corrections officer is guilty of a felony punishable by
4 imprisonment for **life or any term of years but** not ~~more-less~~ than 4
5 years or a fine of not more than \$2,500.00, or both, if all of the
6 following circumstances exist at the time the weapon is taken:

7 (a) The individual knows or has reason to believe the person
8 from whom the weapon is taken is a peace officer or a corrections
9 officer.

10 (b) The peace officer or corrections officer is performing his
11 or her duties as a peace officer or a corrections officer.

12 (c) The individual takes the weapon without consent of the
13 peace officer or corrections officer.

14 (d) The peace officer or corrections officer is authorized by
15 his or her employer to carry the weapon in the line of duty.

16 (2) An individual who takes a firearm from the lawful
17 possession of a peace officer or a corrections officer is guilty of
18 a felony punishable by imprisonment for **life or any term of years**
19 **but** not ~~more-less~~ than ~~10-4~~ years or a fine of not more than
20 \$5,000.00, or both, if all of the following circumstances exist at
21 the time the firearm is taken:

22 (a) The individual knows or has reason to believe the person
23 from whom the firearm is taken is a peace officer or a corrections
24 officer.

25 (b) The peace officer or corrections officer is performing his
26 or her duties as a peace officer or a corrections officer.

27 (c) The individual takes the firearm without the consent of
28 the peace officer or corrections officer.

29 (d) The peace officer or corrections officer is authorized by

1 his or her employer to carry the firearm in the line of duty.

2 (3) This section does not prohibit an individual from being
3 charged with, convicted of, or punished for any other violation of
4 law that is committed by that individual while violating this
5 section.

6 (4) A term of imprisonment imposed for a violation of this
7 section may run consecutively to any term of imprisonment imposed
8 for another violation arising from the same transaction.

9 (5) As used in this section:

10 (a) "Corrections officer" means a prison or jail guard or
11 other employee of a jail or a state or federal correctional
12 facility, who performs duties involving the transportation, care,
13 custody, or supervision of prisoners.

14 (b) "Peace officer" means 1 or more of the following:

15 (i) A police officer of this state or a political subdivision
16 of this state.

17 (ii) A police officer of any entity of the United States.

18 (iii) The sheriff of a county of this state or the sheriff's
19 deputy.

20 (iv) A public safety officer of a college or university who is
21 authorized by the governing board of that college or university to
22 enforce state law and the rules and ordinances of that college or
23 university.

24 (v) A conservation officer of the department of natural
25 resources.

26 (vi) A conservation officer of the United States ~~department of~~
27 ~~interior.~~ **Department of the Interior.**

28 Sec. 483a. (1) A person shall not do any of the following:

29 (a) Withhold or refuse to produce any testimony, information,

1 document, or thing after the court has ordered it to be produced
2 following a hearing.

3 (b) Prevent or attempt to prevent through the unlawful use of
4 physical force another person from reporting a crime committed or
5 attempted by another person.

6 (c) Intentionally use the person's professional position of
7 authority over another person to prevent or attempt to prevent the
8 other person from reporting a crime listed in section 136b, 520b,
9 520c, 520d, 520e, or 520g, that is committed or attempted by
10 another person.

11 (d) Retaliate or attempt to retaliate against another person
12 for having reported or attempted to report a crime committed or
13 attempted by another person. As used in this subdivision,
14 "retaliate" means to do any of the following:

15 (i) Commit or attempt to commit a crime against any person.

16 (ii) Threaten to kill or injure any person or threaten to cause
17 property damage.

18 (2) A person who violates subsection (1) is guilty of a crime
19 as follows:

20 (a) Except as provided in subdivision (b), the person is
21 guilty of a misdemeanor punishable by imprisonment for not more
22 than 1 year or a fine of not more than \$1,000.00, or both.

23 (b) If the violation involves committing or attempting to
24 commit a crime or a threat to kill or injure any person or to cause
25 property damage, the person is guilty of a felony. ~~punishable by~~
26 **The court shall sentence the person to** imprisonment for ~~not more~~
27 ~~than 10~~ **5** years ~~or~~ **and may impose** a fine of not more than
28 \$20,000.00, or both.

29 (3) A person shall not do any of the following:

1 (a) Give, offer to give, or promise anything of value to any
2 person to influence a person's statement to a police officer
3 conducting a lawful investigation of a crime or the presentation of
4 evidence to a police officer conducting a lawful investigation of a
5 crime.

6 (b) Threaten or intimidate any person to influence a person's
7 statement to a police officer conducting a lawful investigation of
8 a crime or the presentation of evidence to a police officer
9 conducting a lawful investigation of a crime.

10 (4) A person who violates subsection (3) is guilty of a crime
11 as follows:

12 (a) Except as provided in subdivision (b), the person is
13 guilty of a misdemeanor punishable by imprisonment for not more
14 than 1 year or a fine of not more than \$1,000.00, or both.

15 (b) If the violation involves committing or attempting to
16 commit a crime or a threat to kill or injure any person or to cause
17 property damage, the person is guilty of a felony punishable by
18 imprisonment for not more than 10 years or a fine of not more than
19 \$20,000.00, or both.

20 (5) A person shall not do any of the following:

21 (a) Knowingly and intentionally remove, alter, conceal,
22 destroy, or otherwise tamper with evidence to be offered in a
23 present or future official proceeding.

24 (b) Offer evidence at an official proceeding that the person
25 recklessly disregards as false.

26 (6) A person who violates subsection (5) is guilty of a crime
27 as follows:

28 (a) Except as provided in subdivision (b), the person is
29 guilty of a felony, ~~punishable by~~ **and the court shall sentence the**

1 **person to imprisonment for ~~not more than 4~~ 2 years ~~or~~ and 6 months**
2 **and may impose** a fine of not more than \$5,000.00. ~~, or both.~~

3 (b) If the violation is committed in a criminal case for which
4 the maximum term of imprisonment for the violation is more than 10
5 years, or the violation is punishable by imprisonment for life or
6 any term of years, the person is guilty of a felony punishable by
7 imprisonment for **life or any term of years but** not ~~more~~-less than
8 10 years or a fine of not more than \$20,000.00, or both.

9 (7) It is an affirmative defense under subsection (3), for
10 which the defendant has the burden of proof by a preponderance of
11 the evidence, that the conduct consisted solely of lawful conduct
12 and that the defendant's sole intention was to encourage, induce,
13 or cause the other person to provide a statement or evidence
14 truthfully.

15 (8) Subsections (1)(a), (3)(b), and (5)(b) do not apply to any
16 of the following:

17 (a) The lawful conduct of an attorney in the performance of
18 the attorney's duties, such as advising a client.

19 (b) The lawful conduct or communications of a person as
20 permitted by statute or other lawful privilege.

21 (9) This section does not prohibit a person from being charged
22 with, convicted of, or punished for any other violation of law
23 arising out of the same transaction as the violation of this
24 section.

25 (10) The court may order a term of imprisonment imposed for a
26 violation of this section to be served consecutively to a term of
27 imprisonment imposed for any other crime including any other
28 violation of law arising out of the same transaction as the
29 violation of this section.

1 (11) As used in this section:

2 (a) "Official proceeding" means a proceeding heard before a
3 legislative, judicial, administrative, or other governmental agency
4 or official authorized to hear evidence under oath, including a
5 referee, prosecuting attorney, hearing examiner, commissioner,
6 notary, or other person taking testimony or deposition in that
7 proceeding.

8 (b) "Threaten or intimidate" does not mean a communication
9 regarding the otherwise lawful access to courts or other branches
10 of government, such as the lawful filing of any civil action or
11 police report of which the purpose is not to harass the other
12 person in violation of section 2907 of the revised judicature act
13 of 1961, 1961 PA 236, MCL 600.2907.

14 Sec. 520b. (1) A person is guilty of criminal sexual conduct
15 in the first degree if he or she engages in sexual penetration with
16 another person and if any of the following circumstances
17 ~~exists~~**exist**:

18 (a) That other person is under 13 years of age.

19 (b) That other person is at least 13 but less than 16 years of
20 age and any of the following:

21 (i) The actor is a member of the same household as the victim.

22 (ii) The actor is related to the victim by blood or affinity to
23 the fourth degree.

24 (iii) The actor is in a position of authority over the victim
25 and used this authority to coerce the victim to submit.

26 (iv) The actor is a teacher, substitute teacher, or
27 administrator of the public school, nonpublic school, school
28 district, or intermediate school district in which that other
29 person is enrolled.

1 (v) The actor is an employee or a contractual service provider
2 of the public school, nonpublic school, school district, or
3 intermediate school district in which that other person is
4 enrolled, or is a volunteer who is not a student in any public
5 school or nonpublic school, or is an employee of this state or of a
6 local unit of government of this state or of the United States
7 assigned to provide any service to that public school, nonpublic
8 school, school district, or intermediate school district, and the
9 actor uses his or her employee, contractual, or volunteer status to
10 gain access to, or to establish a relationship with, that other
11 person.

12 (vi) The actor is an employee, contractual service provider, or
13 volunteer of a child care organization, or a person licensed to
14 operate a foster family home or a foster family group home in which
15 that other person is a resident, and the sexual penetration occurs
16 during the period of that other person's residency. As used in this
17 subparagraph, "child care organization", "foster family home", and
18 "foster family group home" mean those terms as defined in section 1
19 of 1973 PA 116, MCL 722.111.

20 (c) Sexual penetration occurs under circumstances involving
21 the commission of any other felony.

22 (d) The actor is aided or abetted by 1 or more other persons
23 and either of the following circumstances exists:

24 (i) The actor knows or has reason to know that the victim is
25 mentally incapable, mentally incapacitated, or physically helpless.

26 (ii) The actor uses force or coercion to accomplish the sexual
27 penetration. Force or coercion includes, but is not limited to, any
28 of the circumstances listed in subdivision (f).

29 (e) The actor is armed with a weapon or any article used or

1 fashioned in a manner to lead the victim to reasonably believe it
2 to be a weapon.

3 (f) The actor causes personal injury to the victim and force
4 or coercion is used to accomplish sexual penetration. Force or
5 coercion includes, but is not limited to, any of the following
6 circumstances:

7 (i) When the actor overcomes the victim through the actual
8 application of physical force or physical violence.

9 (ii) When the actor coerces the victim to submit by threatening
10 to use force or violence on the victim, and the victim believes
11 that the actor has the present ability to execute these threats.

12 (iii) When the actor coerces the victim to submit by threatening
13 to retaliate in the future against the victim, or any other person,
14 and the victim believes that the actor has the ability to execute
15 this threat. As used in this subdivision, "to retaliate" includes
16 threats of physical punishment, kidnapping, or extortion.

17 (iv) When the actor engages in the medical treatment or
18 examination of the victim in a manner or for purposes that are
19 medically recognized as unethical or unacceptable.

20 (v) When the actor, through concealment or by the element of
21 surprise, is able to overcome the victim.

22 (g) The actor causes personal injury to the victim, and the
23 actor knows or has reason to know that the victim is mentally
24 incapable, mentally incapacitated, or physically helpless.

25 (h) That other person is mentally incapable, mentally
26 disabled, mentally incapacitated, or physically helpless, and any
27 of the following:

28 (i) The actor is related to the victim by blood or affinity to
29 the fourth degree.

1 (ii) The actor is in a position of authority over the victim
2 and used this authority to coerce the victim to submit.

3 (2) Criminal sexual conduct in the first degree is a felony
4 punishable ~~as follows:~~

5 ~~(a) Except as provided in subdivisions (b) and (c), by~~
6 imprisonment for life or for any term of years, **but not less than**
7 **15 years.**

8 ~~(b) For a violation that is committed by an individual 17~~
9 ~~years of age or older against an individual less than 13 years of~~
10 ~~age by imprisonment for life or any term of years, but not less~~
11 ~~than 25 years.~~

12 ~~(c) For a violation that is committed by an individual 18~~
13 ~~years of age or older against an individual less than 13 years of~~
14 ~~age, by imprisonment for life without the possibility of parole if~~
15 ~~the person was previously convicted of a violation of this section~~
16 ~~or section 520c, 520d, 520e, or 520g committed against an~~
17 ~~individual less than 13 years of age or a violation of law of the~~
18 ~~United States, another state or political subdivision substantially~~
19 ~~corresponding to a violation of this section or section 520c, 520d,~~
20 ~~520e, or 520g committed against an individual less than 13 years of~~
21 ~~age.~~

22 (3) ~~(d)~~In addition to any other penalty imposed under
23 ~~subdivision (a) or (b),~~ **subsection (2)**, the court shall sentence
24 the defendant to lifetime electronic monitoring under section 520n.

25 (4) ~~(3)~~The court may order a term of imprisonment imposed
26 under this section to be served consecutively to any term of
27 imprisonment imposed for any other criminal offense arising from
28 the same transaction.

29 Sec. 520c. (1) A person is guilty of criminal sexual conduct

1 in the second degree if the person engages in sexual contact with
2 another person and if any of the following circumstances
3 ~~exists:~~**exist:**

4 (a) That other person is under 13 years of age.

5 (b) That other person is at least 13 but less than 16 years of
6 age and any of the following:

7 (i) The actor is a member of the same household as the victim.

8 (ii) The actor is related by blood or affinity to the fourth
9 degree to the victim.

10 (iii) The actor is in a position of authority over the victim
11 and the actor used this authority to coerce the victim to submit.

12 (iv) The actor is a teacher, substitute teacher, or
13 administrator of the public school, nonpublic school, school
14 district, or intermediate school district in which that other
15 person is enrolled.

16 (v) The actor is an employee or a contractual service provider
17 of the public school, nonpublic school, school district, or
18 intermediate school district in which that other person is
19 enrolled, or is a volunteer who is not a student in any public
20 school or nonpublic school, or is an employee of this state or of a
21 local unit of government of this state or of the United States
22 assigned to provide any service to that public school, nonpublic
23 school, school district, or intermediate school district, and the
24 actor uses his or her employee, contractual, or volunteer status to
25 gain access to, or to establish a relationship with, that other
26 person.

27 (vi) The actor is an employee, contractual service provider, or
28 volunteer of a child care organization, or a person licensed to
29 operate a foster family home or a foster family group home in which

1 that other person is a resident and the sexual contact occurs
2 during the period of that other person's residency. As used in this
3 subdivision, "child care organization", "foster family home", and
4 "foster family group home" mean those terms as defined in section 1
5 of 1973 PA 116, MCL 722.111.

6 (c) Sexual contact occurs under circumstances involving the
7 commission of any other felony.

8 (d) The actor is aided or abetted by 1 or more other persons
9 and either of the following circumstances exists:

10 (i) The actor knows or has reason to know that the victim is
11 mentally incapable, mentally incapacitated, or physically helpless.

12 (ii) The actor uses force or coercion to accomplish the sexual
13 contact. Force or coercion includes, but is not limited to, any of
14 the circumstances listed in section 520b(1)(f).

15 (e) The actor is armed with a weapon, or any article used or
16 fashioned in a manner to lead a person to reasonably believe it to
17 be a weapon.

18 (f) The actor causes personal injury to the victim and force
19 or coercion is used to accomplish the sexual contact. Force or
20 coercion includes, but is not limited to, any of the circumstances
21 listed in section 520b(1)(f).

22 (g) The actor causes personal injury to the victim and the
23 actor knows or has reason to know that the victim is mentally
24 incapable, mentally incapacitated, or physically helpless.

25 (h) That other person is mentally incapable, mentally
26 disabled, mentally incapacitated, or physically helpless, and any
27 of the following:

28 (i) The actor is related to the victim by blood or affinity to
29 the fourth degree.

1 (ii) The actor is in a position of authority over the victim
2 and used this authority to coerce the victim to submit.

3 (i) That other person is under the jurisdiction of the
4 department of corrections and the actor is an employee or a
5 contractual employee of, or a volunteer with, the department of
6 corrections who knows that the other person is under the
7 jurisdiction of the department of corrections.

8 (j) That other person is under the jurisdiction of the
9 department of corrections and the actor is an employee or a
10 contractual employee of, or a volunteer with, a private vendor that
11 operates a youth correctional facility under section 20g of the
12 corrections code of 1953, 1953 PA 232, MCL 791.220g, who knows that
13 the other person is under the jurisdiction of the department of
14 corrections.

15 (k) That other person is a prisoner or probationer under the
16 jurisdiction of a county for purposes of imprisonment or a work
17 program or other probationary program and the actor is an employee
18 or a contractual employee of or a volunteer with the county or the
19 department of corrections who knows that the other person is under
20 the county's jurisdiction.

21 (l) The actor knows or has reason to know that a court has
22 detained the victim in a facility while the victim is awaiting a
23 trial or hearing, or committed the victim to a facility as a result
24 of the victim having been found responsible for committing an act
25 that would be a crime if committed by an adult, and the actor is an
26 employee or contractual employee of, or a volunteer with, the
27 facility in which the victim is detained or to which the victim was
28 committed.

29 (2) Criminal sexual conduct in the second degree is a felony

1 punishable ~~as follows:~~

2 ~~(a) By~~ **by** imprisonment for **life or any term of years but** not
3 ~~more-less~~ than ~~15-10~~ years.

4 **(3)** ~~(b)~~—In addition to the penalty specified in subdivision
5 (a), the court shall sentence the defendant to lifetime electronic
6 monitoring under section 520n if the violation involved sexual
7 contact committed by an individual 17 years of age or older against
8 an individual less than 13 years of age.

9 Sec. 520d. (1) A person is guilty of criminal sexual conduct
10 in the third degree if the person engages in sexual penetration
11 with another person and if any of the following circumstances
12 exist:

13 (a) That other person is at least 13 years of age and under 16
14 years of age.

15 (b) Force or coercion is used to accomplish the sexual
16 penetration. Force or coercion includes but is not limited to any
17 of the circumstances listed in section 520b(1)(f)(i) to (v).

18 (c) The actor knows or has reason to know that the victim is
19 mentally incapable, mentally incapacitated, or physically helpless.

20 (d) That other person is related to the actor by blood or
21 affinity to the third degree and the sexual penetration occurs
22 under circumstances not otherwise prohibited by this chapter. It is
23 an affirmative defense to a prosecution under this subdivision that
24 the other person was in a position of authority over the defendant
25 and used this authority to coerce the defendant to violate this
26 subdivision. The defendant has the burden of proving this defense
27 by a preponderance of the evidence. This subdivision does not apply
28 if both persons are lawfully married to each other at the time of
29 the alleged violation.

1 (e) That other person is at least 16 years of age but less
2 than 18 years of age and a student at a public school or nonpublic
3 school, and either of the following applies:

4 (i) The actor is a teacher, substitute teacher, or
5 administrator of that public school, nonpublic school, school
6 district, or intermediate school district. This subparagraph does
7 not apply if the other person is emancipated at the time of the
8 alleged violation.

9 (ii) The actor is an employee or a contractual service provider
10 of the public school, nonpublic school, school district, or
11 intermediate school district in which that other person is
12 enrolled, or is a volunteer who is not a student in any public
13 school or nonpublic school, or is an employee of this state or of a
14 local unit of government of this state or of the United States
15 assigned to provide any service to that public school, nonpublic
16 school, school district, or intermediate school district, and the
17 actor uses the actor's employee, contractual, or volunteer status
18 to gain access to, or to establish a relationship with, that other
19 person.

20 (f) That other person is at least 16 years old but less than
21 26 years of age and is receiving special education services, and
22 either of the following applies:

23 (i) The actor is a teacher, substitute teacher, administrator,
24 employee, or contractual service provider of the public school,
25 nonpublic school, school district, or intermediate school district
26 from which that other person receives the special education
27 services. This subparagraph does not apply if both persons are not
28 less than 18 years of age and were lawfully married to each other
29 at the time of the alleged violation.

1 (ii) The actor is a volunteer who is not a student in any
2 public school or nonpublic school, or is an employee of this state
3 or of a local unit of government of this state or of the United
4 States assigned to provide any service to that public school,
5 nonpublic school, school district, or intermediate school district,
6 and the actor uses the actor's employee, contractual, or volunteer
7 status to gain access to, or to establish a relationship with, that
8 other person.

9 (g) The actor is an employee, contractual service provider, or
10 volunteer of a child care organization, or a person licensed to
11 operate a foster family home or a foster family group home, in
12 which that other person is a resident, that other person is at
13 least 16 years of age, and the sexual penetration occurs during
14 that other person's residency. As used in this subdivision, "child
15 care organization", "foster family home", and "foster family group
16 home" mean those terms as defined in section 1 of 1973 PA 116, MCL
17 722.111.

18 (2) Criminal sexual conduct in the third degree is a felony
19 punishable by imprisonment for **life or any term of years but** not
20 ~~more~~**less** than ~~15~~**5** years.

21 Sec. 520e. (1) A person is guilty of criminal sexual conduct
22 in the fourth degree if the person engages in sexual contact with
23 another person and if any of the following circumstances exist:

24 (a) That other person is at least 13 years of age but less
25 than 16 years of age, and the actor is 5 or more years older than
26 that other person.

27 (b) Force or coercion is used to accomplish the sexual
28 contact. Force or coercion includes, but is not limited to, any of
29 the following circumstances:

1 (i) When the actor overcomes the victim through the actual
2 application of physical force or physical violence.

3 (ii) When the actor coerces the victim to submit by threatening
4 to use force or violence on the victim, and the victim believes
5 that the actor has the present ability to execute that threat.

6 (iii) When the actor coerces the victim to submit by threatening
7 to retaliate in the future against the victim, or any other person,
8 and the victim believes that the actor has the ability to execute
9 that threat. As used in this subparagraph, "to retaliate" includes
10 threats of physical punishment, kidnapping, or extortion.

11 (iv) When the actor engages in the medical treatment or
12 examination of the victim in a manner or for purposes which are
13 medically recognized as unethical or unacceptable.

14 (v) When the actor achieves the sexual contact through
15 concealment or by the element of surprise.

16 (c) The actor knows or has reason to know that the victim is
17 mentally incapable, mentally incapacitated, or physically helpless.

18 (d) That other person is related to the actor by blood or
19 affinity to the third degree and the sexual contact occurs under
20 circumstances not otherwise prohibited by this chapter. It is an
21 affirmative defense to a prosecution under this subdivision that
22 the other person was in a position of authority over the defendant
23 and used this authority to coerce the defendant to violate this
24 subdivision. The defendant has the burden of proving this defense
25 by a preponderance of the evidence. This subdivision does not apply
26 if both persons are lawfully married to each other at the time of
27 the alleged violation.

28 (e) The actor is a mental health professional and the sexual
29 contact occurs during or within 2 years after the period in which

1 the victim is the actor's client or patient and not the actor's
2 spouse. The consent of the victim is not a defense to a prosecution
3 under this subdivision. A prosecution under this subsection shall
4 not be used as evidence that the victim is mentally incompetent.

5 (f) That other person is at least 16 years of age but less
6 than 18 years of age and a student at a public school or nonpublic
7 school, and either of the following applies:

8 (i) The actor is a teacher, substitute teacher, or
9 administrator of that public school, nonpublic school, school
10 district, or intermediate school district. This subparagraph does
11 not apply if the other person is emancipated at the time of the
12 alleged violation.

13 (ii) The actor is an employee or a contractual service provider
14 of the public school, nonpublic school, school district, or
15 intermediate school district in which that other person is
16 enrolled, or is a volunteer who is not a student in any public
17 school or nonpublic school, or is an employee of this state or of a
18 local unit of government of this state or of the United States
19 assigned to provide any service to that public school, nonpublic
20 school, school district, or intermediate school district, and the
21 actor uses the actor's employee, contractual, or volunteer status
22 to gain access to, or to establish a relationship with, that other
23 person.

24 (g) That other person is at least 16 years old but less than
25 26 years of age and is receiving special education services, and
26 either of the following applies:

27 (i) The actor is a teacher, substitute teacher, administrator,
28 employee, or contractual service provider of the public school,
29 nonpublic school, school district, or intermediate school district

1 from which that other person receives the special education
 2 services. This subparagraph does not apply if both persons are not
 3 less than 18 years of age and were lawfully married to each other
 4 at the time of the alleged violation.

5 (ii) The actor is a volunteer who is not a student in any
 6 public school or nonpublic school, or is an employee of this state
 7 or of a local unit of government of this state or of the United
 8 States assigned to provide any service to that public school,
 9 nonpublic school, school district, or intermediate school district,
 10 and the actor uses the actor's employee, contractual, or volunteer
 11 status to gain access to, or to establish a relationship with, that
 12 other person.

13 (h) The actor is an employee, contractual service provider, or
 14 volunteer of a child care organization, or a person licensed to
 15 operate a foster family home or a foster family group home, in
 16 which that other person is a resident, that other person is at
 17 least 16 years of age, and the sexual contact occurs during that
 18 other person's residency. As used in this subdivision, "child care
 19 organization", "foster family home", and "foster family group home"
 20 mean those terms as defined in section 1 of 1973 PA 116, MCL
 21 722.111.

22 (2) Criminal sexual conduct in the fourth degree is a
 23 ~~misdemeanor~~**-felony** punishable by imprisonment for **life or any term**
 24 **of years but** not ~~more~~**-less** than 2 years **and 6 months** or a fine of
 25 not more than \$500.00, or both.

26 Sec. 520g. (1) Assault with intent to commit criminal sexual
 27 conduct involving sexual penetration ~~shall be~~**is** a felony
 28 punishable by imprisonment for **life or any term of years but** not
 29 ~~more~~**-less** than ~~10~~**20** years.

1 (2) Assault with intent to commit criminal sexual conduct in
2 the second degree is a felony punishable by imprisonment for **life**
3 **or any term of years but** not ~~more~~**less** than ~~5~~**10** years.

4 Sec. 529. (1) A person who engages in conduct proscribed under
5 section 530 and who in the course of engaging in that conduct does
6 any of the following is guilty of armed robbery:

7 (a) Possesses a dangerous weapon.

8 (b) Possesses an article used or fashioned in a manner that
9 would cause a reasonable person to believe the article is a
10 dangerous weapon.

11 (c) Represents orally or otherwise that he or she possesses a
12 dangerous weapon.

13 (2) A person who violates this section is guilty of a felony
14 punishable by imprisonment for life or for any term of years **but**
15 **not less than 10 years.**

16 ~~(3) If a violation of this section results in an aggravated~~
17 ~~assault of or serious injury to any other person, the person must~~
18 ~~be sentenced to a minimum term of imprisonment of not less than 2~~
19 ~~years.~~

20 Sec. 529a. (1) A person who in the course of committing a
21 larceny of a motor vehicle uses force or violence or the threat of
22 force or violence, or who puts in fear any operator, passenger, or
23 person in lawful possession of the motor vehicle, or any person
24 lawfully attempting to recover the motor vehicle, is guilty of
25 carjacking, a felony, punishable by imprisonment for life or for
26 any term of years **but not less than 5 years.**

27 (2) As used in this section, "in the course of committing a
28 larceny of a motor vehicle" includes acts that occur in an attempt
29 to commit the larceny, or during commission of the larceny, or in

1 flight or attempted flight after the commission of the larceny, or
 2 in an attempt to retain possession of the motor vehicle.

3 (3) A sentence imposed for a violation of this section may be
 4 imposed to run consecutively to any other sentence imposed for a
 5 conviction that arises out of the same transaction.

6 Sec. 530. (1) A person who, in the course of committing a
 7 larceny of any money or other property that may be the subject of
 8 larceny, uses force or violence against any person who is present,
 9 or who assaults or puts the person in fear, is guilty of a felony
 10 punishable by imprisonment for **life or any term of years but** not
 11 ~~more than 15~~ **less than 5** years.

12 (2) As used in this section, "in the course of committing a
 13 larceny" includes acts that occur in an attempt to commit the
 14 larceny, or during commission of the larceny, or in flight or
 15 attempted flight after the commission of the larceny, or in an
 16 attempt to retain possession of the property.

17 Sec. 531. ~~Bank, safe and vault robbery~~ Any ~~A~~ person who, with
 18 intent to commit the crime of larceny, or any felony, ~~shall~~
 19 ~~confine, maim, injure~~ **confines, maims, injures,** or ~~wound, wounds,~~
 20 or ~~attempt,~~ **attempts** or ~~threaten~~ **threatens** to confine, kill, maim,
 21 injure, or wound, or ~~shall put~~ **who puts** in fear any person for the
 22 purpose of stealing from any building, bank, safe, or other
 23 depository of money, bond, or other valuables, or ~~shall~~ **who** by
 24 intimidation, fear, or threats ~~compel,~~ **compels** or ~~attempt~~ **attempts**
 25 to compel any person to disclose or surrender the means of opening
 26 any building, bank, safe, vault, or other depository of money,
 27 bonds, or other valuables, or ~~shall attempt~~ **who attempts** to break,
 28 burn, blow up, or otherwise injure or destroy any safe, vault, or
 29 other depository of money, bonds, or other valuables in any

1 building or place, ~~shall,~~ **is**, whether ~~he~~ **the person** succeeds or
2 fails in the perpetration of such larceny or felony, ~~be~~ guilty of a
3 felony ~~, punishable by imprisonment in the state prison for life or~~
4 any term of years **but not less than 5 years.**

5 Sec. 553. (1) Except as provided in subsection (2), an
6 individual who occupies a building that is a single-family dwelling
7 or 1 or both units in a building that is a 2-family dwelling and
8 has not, at any time during that period of occupancy, occupied the
9 property with the owner's consent for an agreed-upon consideration
10 is guilty of a ~~crime as follows:~~

11 ~~(a) For a first offense, a misdemeanor punishable by a fine of~~
12 ~~not more than \$5,000.00 per dwelling unit occupied or imprisonment~~
13 ~~for not more than 180 days, or both.~~

14 ~~(b) For a second or subsequent offense, a felony punishable by~~
15 **imprisonment for life or any term of years but not less than 1 year**
16 **or** a fine of not more than \$10,000.00 per dwelling unit occupied,
17 ~~or imprisonment for not more than 2 years, or both.~~

18 (2) Subsection (1) does not apply to a guest or a family
19 member of the owner of the dwelling or of a tenant.

20 Enacting section 1. Section 145g of the Michigan penal code,
21 1931 PA 328, MCL 750.145g, is repealed.

22 Enacting section 2. This amendatory act takes effect 90 days
23 after the date it is enacted into law.

HOUSE BILL NO. 5918

April 29, 2026, Introduced by Reps. Pavlov, Hoadley, St. Germaine, Wozniak and Bruck and referred to Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending sections 11b, 12e, 12f, 13m, 13n, 14a, 14h, 15d, 16d,
16f, 16g, 16i, 16j, 16k, 16l, 16m, 16p, 16q, 16r, 16s, 16t, 16w,
16x, 16y, 16bb, 17b, and 17g of chapter XVII (MCL 777.11b, 777.12e,
777.12f, 777.13m, 777.13n, 777.14a, 777.14h, 777.15d, 777.16d,
777.16f, 777.16g, 777.16i, 777.16j, 777.16k, 777.16l, 777.16m,
777.16p, 777.16q, 777.16r, 777.16s, 777.16t, 777.16w, 777.16x,
777.16y, 777.16bb, 777.17b, and 777.17g), section 11b as amended by
2023 PA 22, section 12e as amended by 2011 PA 59, section 12f as

amended by 2016 PA 34, section 13m as amended by 2016 PA 549, section 13n as amended by 2023 PA 63, section 14a as amended by 2010 PA 378, section 14h as amended by 2021 PA 141, section 15d as added by 2002 PA 206, sections 16d and 16p as amended by 2023 PA 208, section 16f as amended by 2024 PA 93, section 16g as amended by 2024 PA 260, section 16i as amended by 2024 PA 80, section 16j as amended by 2006 PA 536, section 16k as amended by 2018 PA 30, section 16l as amended by 2024 PA 262, section 16m as amended by 2023 PA 200, section 16q as amended by 2006 PA 164, section 16r as amended by 2002 PA 279, section 16s as amended by 2008 PA 414, section 16t as amended by 2018 PA 528, section 16w as amended by 2016 PA 486, section 16x as amended by 2012 PA 323, section 16y as amended by 2006 PA 655, section 16bb as amended by 2014 PA 225, section 17b as added by 2002 PA 28, and section 17g as amended by 2013 PA 124.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVII

Sec. 11b. This chapter applies to the following felonies enumerated in chapter 28 of the Michigan Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
28.214(6)(b)	Pub trst	F	Unauthorized disclosure of information from LEIN – subsequent offense	4
28.293(1)	Pub ord	E	False information when applying for state ID	5
28.293(2)	Pub ord	D	False information when applying for state ID – second offense	7

1	28.293 (3)	Pub ord	C	False information when	15
2				applying for state ID	
3				— third or subsequent	
4				offense	
5	28.295 (1) (a)	Pub ord	D	Counterfeiting or	10
6				forging state ID card	
7				or using counterfeited	
8				or forged state ID	
9				card to commit felony	
10				punishable by	
11				imprisonment for 10	
12				years or more	
13	28.295 (1) (b)	Pub ord	E	Counterfeiting or	5
14				forging state ID card	
15				or using counterfeited	
16				or forged state ID	
17				card to commit felony	
18				punishable by	
19				imprisonment for less	
20				than 10 years or a	
21				misdemeanor punishable	
22				by more than 6 months	

1	28.295 (2)	Pub ord	E	Selling counterfeited	5
2				or forged state ID	
3				card or possessing	
4				counterfeited or	
5				forged state ID card	
6				with intent to deliver	
7				to another person or	
8				possessing 2 or more	
9				counterfeited or	
10				forged state ID cards	
11	28.295 (5)	Property	H	Using stolen state ID	Variable
12				card to commit felony	
13	28.295a (1)	Pub ord	H	False representation	4
14				to obtain or misuse	
15				personal information	
16	28.295a (2)	Pub ord	G	False representation	7
17				to obtain or misuse	
18				personal information –	
19				second offense	
20	28.295a (3)	Pub ord	C	False representation	15
21				to obtain or misuse	
22				personal information –	
23				third or subsequent	
24				offense	

1	28.308	Pub saf	E	False certification or	5
2				statement in	
3				application for	
4				enhanced driver	
5				license or enhanced	
6				official state	
7				personal	
8				identification card	
9	28.422 (14)	Pub saf	F	Forgery on firearm	4
10				license application	
11	28.422a (5)	Pub saf	F	False statement on	4
12				firearm sales record	
13	28.425b (3)	Pub saf	F	False statement on	4
14				concealed pistol	
15				permit application	
16	28.425j (3)	Pub saf	F	Unlawful granting or	4
17				presenting of pistol	
18				training certificate	
19	28.425o (6) (c)	Pub saf	F	Carrying concealed	4
20				pistol or electro-	
21				muscular disruption	
22				device in prohibited	
23				place – third or	
24				subsequent offense	
25	28.429 (4)	Pub saf	E	Failure to store a	5
26				firearm resulting in	
27				injury	

1	28.429 (5)	Pub saf	D	Failure to store a	10
2				firearm resulting in	
3				serious impairment of	
4				body function	
5	28.429 (6)	Pub saf	C	Failure to store a	15
6				firearm resulting in	
7				death	
8	28.435 (14) (c)	Pub saf	G	Firearm sale without	2
9				trigger lock, gun	
10				case, or storage	
11				container – third or	
12				subsequent offense	
13	28.468 (1) (c)	Pub saf	E	Michigan fireworks	5
14				safety act violation	
15				causing serious	
16				impairment	
17	28.468 (1) (d)	Pub saf	C	Michigan fireworks	15
18				safety act violation	
19				causing death	
20	28.516 (2)	Pub saf	F	False statement on	4
21				concealed firearm	
22				certificate	
23				application	
24	28.674	Pub saf	F	False report of a	4
25				public threat	
26	28.729 (1) (a)	Pub ord	F	Failure to register as	4
27				a sex offender, first	
28				offense	

1	28.729(1)(b)	Pub ord	D	Failure to register as	~~7~~ Life
2				a sex offender, second	
3				offense	
4	28.729(1)(c)	Pub ord	D	Failure to register as	~~10~~ Life
5				a sex offender, third	
6				or subsequent offense	
7	28.729(2)	Pub ord	F	Failure to update sex	2
8				offender registration	
9				information	
10	28.754(1)	Pub ord	F	False report of a	4
11				child abduction	

12 Sec. 12e. This chapter applies to the following felonies
 13 enumerated in sections 601 to 624b of chapter VI of the Michigan
 14 vehicle code, 1949 PA 300, within chapter 257 of the Michigan
 15 Compiled Laws:

16	M.C.L.	Category	Class	Description	Stat Max
17	257.601b(3)	Person	C	Moving violation	~~15~~ Life
18				causing death to	
19				another person in a	
20				work zone or a school	
21				bus zone	
22	257.601c(2)	Person	C	Moving violation	15
23				causing death to	
24				operator of implement	
25				of husbandry	
26	257.602a(2)	Pub saf	G	Fourth degree fleeing	~~2~~ Life
27				and eluding	
28	257.602a(3)	Pub saf	E	Third degree fleeing	~~5~~ Life
29				and eluding	

1	257.602a(4)	Person	D	Second degree fleeing	~~10~~ Life
2				and eluding	
3	257.602a(5)	Person	C	First degree fleeing	15
4				and eluding	
5	257.616a(2)(b)	Pub saf	G	Using a signal	2
6				preemption device	
7	257.616a(2)(c)	Pub saf	E	Using a signal	5
8				preemption device	
9				causing a traffic	
10				accident	
11	257.616a(2)(d)	Person	D	Using a signal	10
12				preemption device	
13				causing serious	
14				impairment of a body	
15				function	
16	257.616a(2)(e)	Person	C	Using a signal	15
17				preemption device	
18				causing death	
19	257.616a(2)(f)	Pub ord	G	Selling or purchasing	2
20				a signal preemption	
21				device	
22	257.617(2)	Person	E	Failure to stop at	5
23				scene of accident	
24				resulting in serious	
25				impairment or death	
26	257.617(3)	Person	C	Failure to stop at	~~15~~ Life
27				scene of accident	
28				resulting in death	
29				when at fault	

Sec. 12f. This chapter applies to the following felonies
 enumerated in sections 625 to 625q of chapter VI of the Michigan
 vehicle code, 1949 PA 300, within chapter 257 of the Michigan
 Compiled Laws:

M.C.L.	Category	Class	Description	Stat Max
257.625(4) (a)	Person	C	Operating a vehicle while intoxicated or impaired or with the presence of a controlled substance causing death	~~15~~ Life
257.625(4) (b)	Person	B	Operating a vehicle with alcohol content of 0.17 grams or more with prior conviction and causing death	~~20~~ Life
257.625(4) (c)	Person	B	Operating a vehicle while intoxicated or impaired or with the presence of a controlled substance causing death to certain persons	~~20~~ Life

1	257.625(5)(a)	Person	E	Operating a vehicle	~~5~~ Life
2				while intoxicated or	
3				impaired or with the	
4				presence of a	
5				controlled substance	
6				causing serious	
7				impairment	
8	257.625(5)(b)	Person	D	Operating a vehicle	10
9				with alcohol content	
10				of 0.17 grams or more	
11				with prior conviction	
12				and causing serious	
13				impairment	
14	257.625(7)(a)(ii)	Person	E	Operating a vehicle	5
15				while intoxicated or	
16				impaired or with the	
17				presence of a	
18				controlled substance	
19				with a minor in the	
20				vehicle – subsequent	
21				offense	
22	257.625(9)(c)	Pub saf	E	Operating a vehicle	5
23				while intoxicated or	
24				with the presence of a	
25				controlled substance –	
26				third or subsequent	
27				offense	

1	257.625(10) (b)	Person	E	Allowing a vehicle to	5
2				be operated while	
3				intoxicated or	
4				impaired causing death	
5	257.625(10) (c)	Person	G	Allowing a vehicle to	2
6				be operated while	
7				intoxicated or	
8				impaired causing	
9				serious impairment	
10	257.625(11) (c)	Pub saf	E	Operating a vehicle	5
11				while impaired – third	
12				or subsequent offense	
13	257.625m(5)	Pub saf	E	Commercial drunk	5
14				driving – third or	
15				subsequent offense	
16	257.625q(3)	Pub saf	D	Knowingly providing	10
17				false information	
18				concerning an ignition	
19				interlock device	
20	257.625q(5)	Pub saf	D	Failure to report	10
21				illegal ignition	
22				interlock device	
23	Sec. 13m. This chapter applies to the following felonies				
24	enumerated in chapter 333 of the Michigan Compiled Laws:				
25	M.C.L.	Category	Class	Description	Stat Max

1	333.7340	CS	F	Sale, distribution, or	4
2				delivery of product	
3				containing ephedrine	
4				or pseudoephedrine by	
5				mail, internet, or	
6				telephone	
7	333.7340c(2)	CS	D	Soliciting another	~~10~~ Life
8				person to purchase or	
9				obtain ephedrine or	
10				pseudoephedrine to	
11				manufacture	
12				methamphetamine	
13	333.7341(8)	CS	G	Delivery or	2
14				manufacture of	
15				imitation controlled	
16				substance	
17	333.7401(2)(a)(i)	CS	A	Delivery or	Life
18				manufacture of 1,000	
19				or more grams of	
20				certain schedule 1 or	
21				2 controlled	
22				substances	
23	333.7401(2)(a)(ii)	CS	A	Delivery or	~~30~~ Life
24				manufacture of 450 or	
25				more but less than	
26				1,000 grams of certain	
27				schedule 1 or 2	
28				controlled substances	

1	333.7401 (2) (a) (iii) CS	B	Delivery or	~~20~~ Life
2			manufacture of 50 or	
3			more but less than 450	
4			grams of certain	
5			schedule 1 or 2	
6			controlled substances	
7	333.7401 (2) (a) (iv) CS	D	Delivery or	~~20~~ Life
8			manufacture of less	
9			than 50 grams of	
10			certain schedule 1 or	
11			2 controlled	
12			substances	
13	333.7401 (2) (b) (i) CS	B	Delivery or	~~20~~ Life
14			manufacture of	
15			methamphetamine or 3,	
16			4-	
17			methylenedioxymethamph	
18			etamine	
19	333.7401 (2) (b) (ii) CS	E	Delivery or	~~7~~ Life
20			manufacture of certain	
21			schedule 1, 2, or 3	
22			controlled substances	
23	333.7401 (2) (c) CS	F	Delivery or	~~4~~ Life
24			manufacture of	
25			schedule 4 controlled	
26			substance	

1	333.7401 (2) (d) (i) CS	C	Delivery or	~~15~~ Life
2			manufacture of 45 or	
3			more kilograms of	
4			marihuana or synthetic	
5			equivalents of	
6			marihuana	
7	333.7401 (2) (d) (ii) CS	D	Delivery or	~~7~~ Life
8			manufacture of 5 or	
9			more but less than 45	
10			kilograms of marihuana	
11			or synthetic	
12			equivalents of	
13			marihuana	
14	333.7401 (2) (d) (iii) CS	F	Delivery or	~~4~~ Life
15			manufacture of less	
16			than 5 kilograms or 20	
17			plants of marihuana or	
18			synthetic equivalents	
19			of marihuana	
20	333.7401 (2) (e) CS	G	Delivery or	2
21			manufacture of	
22			schedule 5 controlled	
23			substance	
24	333.7401 (2) (f) CS	D	Delivery or	~~7~~ Life
25			manufacture of a	
26			prescription form or	
27			counterfeit	
28			prescription form	

1	333.7401a	Person	B	Delivering a	20
2				controlled substance	
3				or GBL with intent to	
4				commit criminal sexual	
5				conduct	
6	333.7401b(3) (a)	CS	E	Delivery or	7
7				manufacture of GBL	
8	333.7401b(3) (b)	CS	G	Possession of GBL	2
9	333.7401c(2) (a)	CS	D	Operating or	~~10~~ Life
10				maintaining controlled	
11				substance laboratory	
12	333.7401c(2) (b)	CS	B	Operating or	~~20~~ Life
13				maintaining controlled	
14				substance laboratory	
15				in presence of minor	
16	333.7401c(2) (c)	CS	B	Operating or	~~20~~ Life
17				maintaining controlled	
18				substance laboratory	
19				involving hazardous	
20				waste	
21	333.7401c(2) (d)	CS	B	Operating or	~~20~~ Life
22				maintaining controlled	
23				substance laboratory	
24				near certain places	
25	333.7401c(2) (e)	CS	A	Operating or	25
26				maintaining controlled	
27				substance laboratory	
28				involving firearm or	
29				other harmful device	

1	333.7401c (2) (f)	CS	B	Operating or	~~20~~ Life
2				maintaining controlled	
3				substance laboratory	
4				involving	
5				methamphetamine	
6	333.7402 (2) (a)	CS	D	Delivery or	~~10~~ Life
7				manufacture of certain	
8				counterfeit controlled	
9				substances	
10	333.7402 (2) (b)	CS	E	Delivery or	5
11				manufacture of	
12				schedule 1, 2, or 3	
13				counterfeit controlled	
14				substance	
15	333.7402 (2) (c)	CS	F	Delivery or	4
16				manufacture of	
17				counterfeit schedule 4	
18				controlled substance	
19	333.7402 (2) (d)	CS	G	Delivery or	2
20				manufacture of	
21				counterfeit schedule 5	
22				controlled substance	
23	333.7402 (2) (e)	CS	C	Delivery or	~~15~~ Life
24				manufacture of	
25				controlled substance	
26				analogue	

1	333.7403 (2) (a) (i) CS	A	Possession of 1,000 or	Life
2			more grams of certain	
3			schedule 1 or 2	
4			controlled substances	
5	333.7403 (2) (a) (ii) CS	A	Possession of 450 or	~~30~~ Life
6			more but less than	
7			1,000 grams of certain	
8			schedule 1 or 2	
9			controlled substances	
10	333.7403 (2) (a) (iii) CS	B	Possession of 50 or	~~20~~ Life
11			more but less than 450	
12			grams of certain	
13			schedule 1 or 2	
14			controlled substances	
15	333.7403 (2) (a) (iv) CS	G	Possession of 25 or	~~4~~ Life
16			more but less than 50	
17			grams of certain	
18			schedule 1 or 2	
19			controlled substances	
20	333.7403 (2) (a) (v) CS	G	Possession of less	~~4~~ Life
21			than 25 grams of	
22			certain schedule 1 or	
23			2 controlled	
24			substances	
25	333.7403 (2) (b) (i) CS	D	Possession of	~~10~~ Life
26			methamphetamine or 3,	
27			4-	
28			methylenedioxymethamph	
29			etamine	

1	333.7403 (2) (b) (ii)	CS	G	Possession of certain	~~2~~ Life
2				schedule 1, 2, 3, or 4	
3				controlled substances	
4				or controlled	
5				substances analogue	
6	333.7403a	CS	F	Fraudulently obtaining	4
7				controlled substance	
8				or prescription for	
9				controlled substance	
10	333.7404 (2) (a)	CS	G	Use of certain	Life
11				schedule 1 or 2	
12				controlled substance	
13	333.7405 (1) (a)	CS	G	Controlled substance	2
14				violations by licensee	
15	333.7405 (1) (b)	CS	G	Manufacturing or	2
16				distribution	
17				violations by licensee	
18	333.7405 (1) (c)	CS	G	Refusing lawful	2
19				inspection	
20	333.7405 (1) (d)	CS	G	Maintaining drug house	~~2~~ Life
21	333.7405 (1) (e)	CS	G	Unlawfully dispensing	2
22				out-of-state	
23				prescription	
24	333.7407 (1) (a)	CS	G	Controlled substance	4
25				violations by licensee	
26	333.7407 (1) (b)	CS	G	Use of fictitious,	4
27				revoked, or suspended	
28				license number	

1	333.7407 (1) (c)	CS	G	Obtaining controlled	4
2				substance by fraud	
3	333.7407 (1) (d)	CS	G	False reports under	4
4				controlled substance	
5				article	
6	333.7407 (1) (e)	CS	G	Possession of	4
7				counterfeiting	
8				implements	
9	333.7407 (1) (f)	CS	F	Disclosing or	4
10				obtaining prescription	
11				information	
12	333.7407 (1) (g)	CS	F	Possession of	4
13				counterfeit	
14				prescription form	
15	333.7407 (2)	CS	G	Refusing to furnish	4
16				records under	
17				controlled substance	
18				article	
19	333.7410 (2)	CS	E	Delivery of certain	Life
20				controlled substances	
21				within 1,000 feet of	
22				school or library by	
23				individual 18 years of	
24				age or older	

1	333.7410(3)	CS	E	Possession with intent	Life
2				to deliver controlled	
3				substance within 1,000	
4				feet of school or	
5				library by individual	
6				18 years of age or	
7				older	

8	333.7410a	CS	G	Controlled substance	2
9				offense or offense	
10				involving GBL in or	
11				near a park	

12	333.7417	CS	F	Sell or offer to sell	4
13				named product	
14				producing same or	
15				similar effect as	
16				scheduled ingredient	

17 Sec. 13n. This chapter applies to the following felonies
 18 enumerated in chapter 333 of the Michigan Compiled Laws:

19	M.C.L.	Category	Class	Description	Stat Max
20	333.10116(1)	Pub ord	E	Purchasing or selling	5
21				body part of deceased	
22				individual for	
23				transplantation or	
24				therapy	
25	333.10117	Pub ord	E	Falsifying,	5
26				concealing, or	
27				defacing document of	
28				anatomical gift for	
29				financial gain	

1	333.10204(1)	Pub ord	F	Transferring a human	4
2				organ for valuable	
3				consideration	
4	333.10204(4)	Pub saf	F	Removal of a human	4
5				organ by an	
6				unauthorized	
7				individual	
8	333.10205	Pub saf	F	Removal of a human	4
9				organ in an unapproved	
10				facility	
11	333.13738(2)	Pub saf	F	Waste disposal	5
12				violations –	
13				subsequent offense	
14	333.13738(3)	Pub saf	F	Improper disposal of	2
15				waste with	
16				indifference to human	
17				life	
18		Pub saf	B	Improper disposal of	20
19				waste with extreme	
20				indifference to human	
21				life	
22	333.16170(3)	Pub trst	F	False representation	4
23				of completion of	
24				health professional	
25				recovery program	

1	333.16213a(3)	Pub trst	G	Medical record -	2
2				intentional omission	
3				of certain medical	
4				services - health	
5				professional	
6	333.16279(5)(a)	Person	G	Performing certain	2
7				medical treatment on a	
8				minor - first offense	
9	333.16279(5)(b)	Person	E	Performing certain	5
10				medical treatment on a	
11				minor - subsequent	
12				offense	
13	333.16294	Pub saf	F	Unauthorized practice	4
14				of health profession	
15	333.17748d(2)	Person	G	Compounding pharmacy	2
16				violation	
17	333.17748d(3)	Person	F	Compounding pharmacy	4
18				violation resulting in	
19				personal injury	
20	333.17748d(4)	Person	E	Compounding pharmacy	5
21				violation resulting in	
22				serious impairment of	
23				a body function	
24	333.17748d(5)	Person	C	Compounding pharmacy	15
25				violation resulting in	
26				death	

1	333.17764(3)	Pub saf	G	Adulterating,	2
2				misbranding, removing,	
3				or substituting a drug	
4				or device	
5	333.17764(4)	Pub saf	F	Adulterating,	4
6				misbranding, removing,	
7				or substituting a drug	
8				or device resulting in	
9				personal injury	
10	333.17764(5)	Pub saf	E	Adulterating,	5
11				misbranding, removing,	
12				or substituting a drug	
13				or device resulting in	
14				serious impairment of	
15				a body function	
16	333.17764(6)	Pub saf	C	Adulterating,	15
17				misbranding, removing,	
18				or substituting a drug	
19				or device resulting in	
20				death	
21	333.17766c(2)(b)	CS	G	Possessing more than	2
22				12 grams ephedrine or	
23				pseudoephedrine	

1	333.17766c(2)(c)	CS	E	Purchasing or	~~5~~ Life
2				possessing ephedrine	
3				or pseudoephedrine	
4				knowing or having	
5				reason to know that it	
6				is to be used to	
7				manufacture	
8				methamphetamine	
9	333.20142(5)	Pub trst	F	False statement in	4
10				application for	
11				licensure as health	
12				facility	
13	333.20153	Pub saf	D	Reuse of single-use	10
14				medical device	
15	333.20175b(3)	Pub trst	G	Medical record -	2
16				intentional omission	
17				of certain medical	
18				services - health	
19				facility or agency	
20	333.21792	Pub trst	G	Nursing home accepting	4
21				referral fees, bribing	
22				officials, or	
23				accepting bribes	
24	333.26424(l)	Pub trst	G	Selling marihuana in	2
25				violation of registry	
26				identification card	
27				restrictions	

1 333.27407a(c) Pub saf F Operating medical 4
 2 marihuana facility
 3 without a license
 4 resulting in death or
 5 serious injury

6 Sec. 14a. This chapter applies to the following felonies
 7 enumerated in chapters 400 to 407 of the Michigan Compiled Laws:

8	M.C.L.	Category	Class	Description	Stat Max
9	400.60(1)	Property	H	Welfare - obtaining	4
10				benefits to which	
11				individual is not	
12				entitled	
13	400.60(2)	Property	H	Welfare - obtaining	4
14				over \$500 by failure	
15				to inform	
16	400.293	Pub trst	E	Charitable	5
17				organizations and	
18				solicitations act	
19				violations	
20	400.603	Pub trst	G	Medicaid fraud - false	4
21				statement in	
22				benefit/concealing	
23				information	
24	400.604	Pub trst	G	Medicaid fraud -	4
25				kickback/referral fees	
26	400.605	Pub trst	G	Medicaid fraud - false	4
27				statement regarding	
28				institutions	

1	400.606	Property	E	Medicaid fraud –	10
2				conspiracy	
3	400.607	Pub trst	G	Medicaid fraud – false	4
4				claim/medically	
5				unnecessary	
6	400.609	Property	D	Medicaid fraud –	10
7				fourth or subsequent	
8				offense	
9	400.713(13)	Pub saf	H	Adult foster care –	2
10				unlicensed facility	
11		Pub saf	F	Adult foster care –	5
12				unlicensed facility –	
13				subsequent violation	
14	400.722(4)	Pub saf	F	Adult foster care –	5
15				maintaining operation	
16				after refusal of	
17				licensure	

Sec. 14h. This chapter applies to the following felonies
enumerated in chapter 445 of the Michigan Compiled Laws:

20	M.C.L.	Category	Class	Description	Stat Max
21	445.33(2)(b)	Pub ord	E	Mail theft – second or	5
22				subsequent offense	
23	445.65	Pub ord	E	Identity theft	~~5~~ Life
24		Pub ord	D	Identity theft –	~~10~~ Life
25				second offense	
26		Pub ord	C	Identify theft – third	~~15~~ Life
27				or subsequent offense	

1	445.67	Pub ord	E	Solicit, obtain,	~~5~~ Life
2				possess, sell, or	
3				transfer personal	
4				identifying	
5				information of another	
6				or falsify a police	
7				report with intent to	
8				commit identity theft	
9		Pub ord	D	Obtain, possess, sell,	~~10~~ Life
10				or transfer personal	
11				identifying	
12				information of another	
13				or falsify a police	
14				report with intent to	
15				commit identity theft	
16				- second offense	
17		Pub ord	C	Obtain, possess, sell,	~~15~~ Life
18				or transfer personal	
19				identifying	
20				information of another	
21				or falsify a police	
22				report with intent to	
23				commit identity theft	
24				- third or subsequent	
25				offense	
26	445.408(2)	Pub ord	E	Buying or selling	5
27				stolen scrap metal	

1	445.408(3)	Pub ord	E	Buying or selling	5
2				stolen scrap metal -	
3				subsequent offense	
4	445.433(2)	Pub ord	E	Knowingly buying or	5
5				selling stolen scrap	
6				metal or other	
7				specific items	
8	445.487(2)	Pub ord	H	Precious metal and gem	2
9				dealer failure to	
10				record material matter	
11				- subsequent offense	
12	445.488(2)	Pub ord	H	Precious metal and gem	2
13				dealer violations -	
14				subsequent offense	
15	445.489	Pub ord	H	Precious metal and gem	2
16				dealer failing to	
17				record transaction or	
18				falsifying transaction	
19				record, or making	
20				improper purchase	
21	445.490	Pub ord	H	Precious metal and gem	2
22				dealer failure to	
23				obtain a certificate	
24				of registration or	
25				retain precious item	
26				for required period	

1	445.574 (2) (c)	Pub ord	E	Failure to originate	5
2				and maintain record of	
3				deposits on certain	
4				containers valued at	
5				\$10,000.00 or more but	
6				less than \$20,000.00	
7				with intent to defraud	
8				or cheat, or repeat	
9				offense	
10	445.574 (2) (d)	Pub ord	C	Failure to originate	15
11				and maintain record of	
12				deposits on certain	
13				containers valued at	
14				\$20,000.00 or more but	
15				less than \$50,000.00	
16				with intent to defraud	
17				or cheat, or repeat	
18				offense	
19	445.574 (2) (e)	Pub ord	C	Failure to originate	15
20				and maintain record of	
21				deposits on certain	
22				containers valued at	
23				\$50,000.00 or more but	
24				less than \$100,000.00	
25				with intent to defraud	
26				or cheat, or repeat	
27				offense	

1	445.574 (2) (f)	Pub ord	B	Failure to originate	20
2				and maintain record of	
3				deposits on certain	
4				containers valued at	
5				\$100,000.00 or more	
6				with intent to defraud	
7				or cheat, or repeat	
8				offense	
9	445.574a (2) (d)	Pub ord	H	Improper return of	5
10				10,000 or more	
11				nonrefundable	
12				containers	
13	445.574a (3) (d)	Pub ord	H	Improper acceptance or	5
14				delivery of 10,000 or	
15				more nonrefundable	
16				containers by dealer	
17	445.574a (4) (d)	Pub ord	H	Improper acceptance or	5
18				delivery of 10,000 or	
19				more nonrefundable	
20				containers by	
21				distributor	
22	445.667	Pub ord	G	Changing, altering, or	2
23				modifying reverse	
24				vending machine or	
25				data for reverse	
26				vending machine	
27	445.779	Pub ord	H	Antitrust violation	2

1	445.1505	Pub trst	G	Fraudulent filing,	7
2				offer, or sale of	
3				franchise	
4	445.1508	Pub trst	G	Sale of franchise	7
5				without proper	
6				disclosure	
7	445.1513	Pub trst	G	Illegal offer or sale	7
8				of franchise	
9	445.1520	Pub trst	G	Failure to keep or	7
10				maintain record of	
11				sale of franchise	
12	445.1521	Pub trst	G	False representation	7
13				of departmental	
14				finding,	
15				recommendation, or	
16				approval of franchise	
17				document	
18	445.1523	Pub trst	G	False statement of	7
19				material fact to	
20				department of attorney	
21				general regarding	
22				franchise	
23	445.1525	Pub trst	G	False advertising of	7
24				franchise	
25	445.1671	Pub trst	E	False statement in	15
26				report required by	
27				mortgage broker or	
28				lender	

1	445.2081	Pub ord	E	Purchasing or selling	5
2				stolen plastic bulk	
3				merchandise containers	
4	445.2507(2)	Pub ord	F	Violation of	4
5				unsolicited commercial	
6				e-mail protection act	
7				in furtherance of	
8				crime	
9	445.2583	Pub trst	F	Establish, promote, or	7
10				operate a pyramid	
11				promotional scheme	

12 Sec. 15d. This chapter applies to the following felonies
 13 enumerated in chapter 600 of the Michigan Compiled Laws:

14	M.C.L.	Category	Class	Description	Stat Max
15	600.908(8)	Pub trst	E	Immunity to witness –	15
16				committing perjury	
17	600.2136	Pub trst	E	Library record, book,	15
18				paper – false	
19				certification in court	
20	600.2907a	Property	G	Recording documents	3
21				affecting property	
22				without lawful cause	
23	600.2916	Pub saf	G	Revised judicature act	4
24				– lethal gases for	
25				fumigation	
26	600.2950(23)	Person	G	Failure to comply with	Life
27				personal protection	
28				order	

1	600.8713	Pub trst	G	Revised judicature act	15
2				– false statement by	
3				authorized local	
4				officials	
5	600.8813	Pub trst	E	Law enforcement	15
6				officer – knowingly	
7				making false statement	
8				in a citation	

9 Sec. 16d. This chapter applies to the following felonies
10 enumerated in chapter 750 of the Michigan Compiled Laws:

11	M.C.L.	Category	Class	Description	Stat Max
12	750.81(1)	Person	G	Assault	Life
13	750.81(2)	Person	G	Domestic violence	Life
14	750.81(3)	Person	G	Assault of pregnant	Life
15				individual	
16	750.81(4)	Person	G	Domestic violence or	Life
17				assault of pregnant	
18				individual with a	
19				prior conviction	
20	750.81(5)	Person	E	Domestic assault or	~~5~~ Life
21				assault of a pregnant	
22				individual with prior	
23				convictions	
24	750.81a(1)	Person	G	Aggravated assault	Life
25	750.81a(2)	Person	G	Aggravated domestic	Life
26				violence	
27	750.81a(3)	Person	E	Aggravated domestic	~~5~~ Life
28				assault with prior	
29				convictions	

1	750.81d(1)	Person	G	Assaulting, resisting,	~~2~~ Life
2				or obstructing certain	
3				persons	
4	750.81d(2)	Person	F	Assaulting, resisting,	~~4~~ Life
5				or obstructing certain	
6				persons causing bodily	
7				injury requiring	
8				medical attention	
9	750.81d(3)	Person	C	Assaulting, resisting,	~~15~~ Life
10				or obstructing certain	
11				persons causing	
12				serious impairment	
13	750.81d(4)	Person	B	Assaulting, resisting,	20
14				or obstructing certain	
15				persons causing death	
16	750.81e(2)	Person	G	Assault on utility	2
17				worker causing bodily	
18				injury requiring	
19				medical attention	
20	750.81e(3)	Person	E	Assault on utility	5
21				worker causing serious	
22				impairment of a body	
23				function	
24	750.82(1)	Person	F	Felonious assault	~~4~~ Life
25	750.82(2)	Person	F	Felonious assault –	4
26				weapon-free school	
27				zone	
28	750.83	Person	A	Assault with intent to	Life
29				murder	

1	~~750.84(1)(a)~~	Person	D	Assault with intent to	~~10~~ Life
2	750.84 (1)			do great bodily harm	
3				less than murder	
4	~~750.84(1)(b)~~	Person	D	Assault by	~~10~~ Life
5	750.84 (2)			strangulation or	
6				suffocation	
7	750.85	Person	A	Torture	Life
8	750.86	Person	D	Assault with intent to	~~10~~ Life
9				maim	
10	750.87	Person	D	Assault with intent to	~~10~~ Life
11				commit a felony	
12	750.88	Person	C	Assault with intent to	~~15~~ Life
13				commit unarmed robbery	
14	750.89	Person	A	Assault with intent to	Life
15				commit armed robbery	
16	750.90 (1)	Person	C	Sexual contact under	20
17				pretext of medical	
18				treatment	
19	750.90 (2)	Person	B	Sexual penetration	25
20				under pretext of	
21				medical treatment	
22	750.90a	Person	A	Assault against a	Life
23				pregnant individual	
24				causing miscarriage,	
25				stillbirth, or death	
26				to embryo or fetus	
27				with intent or	
28				recklessness	

1	750.90b(a)	Person	C	Assault against a	15
2				pregnant individual	
3				resulting in	
4				miscarriage,	
5				stillbirth, or death	
6				to embryo or fetus	
7	750.90b(b)	Person	D	Assault against a	10
8				pregnant individual	
9				resulting in great	
10				bodily harm to embryo	
11				or fetus	
12	750.90c(a)	Person	C	Gross negligence	15
13				against a pregnant	
14				individual resulting	
15				in miscarriage,	
16				stillbirth, or death	
17				to embryo or fetus	
18	750.90c(b)	Person	E	Gross negligence	5
19				against a pregnant	
20				individual resulting	
21				in great bodily harm	
22				to embryo or fetus	
23	750.90d(a)	Person	C	Operating a vehicle	15
24				under the influence or	
25				while impaired causing	
26				miscarriage,	
27				stillbirth, or death	
28				to embryo or fetus	

1	750.90d(b)	Person	E	Operating a vehicle	5
2				under the influence or	
3				while impaired causing	
4				serious or aggravated	
5				injury to embryo or	
6				fetus	
7	750.90e	Person	G	Careless or reckless	2
8				driving causing	
9				miscarriage,	
10				stillbirth, or death	
11				to embryo or fetus	
12	750.90g(3)	Person	A	Performance of	Life
13				procedure on live	
14				infant with intent to	
15				cause death	
16	750.91	Person	A	Attempted murder	Life

17 Sec. 16f. This chapter applies to the following felonies
 18 enumerated in chapter 750 of the Michigan Compiled Laws:

19	M.C.L.	Category	Class	Description	Stat Max
20	750.110	Property	D	Breaking and entering	10
21				with intent to commit	
22				felony or larceny	
23	750.110a(2)	Person	B	Home invasion – first	~~20~~ Life
24				degree	
25	750.110a(3)	Person	C	Home invasion – second	~~15~~ Life
26				degree	
27	750.110a(4)	Person	E	Home invasion – third	~~5~~ Life
28				degree	

29

1	750.111	Property	E	Entering without	~~5~~ Life
2				breaking with intent	
3				to commit felony or	
4				larceny	
5	750.112	Person	A	Burglary with	Life
6				explosives	
7	750.116(1)	Property	E	Possession of	10
8				burglar's tools with	
9				intent to steal money	
10				or property from a	
11				structure or	
12				depository other than	
13				a motor vehicle	
14	750.116(2)	Property	E	Possession of	5
15				burglar's tools with	
16				intent to steal a	
17				motor vehicle	
18	750.116(3)	Property	E	Possession of	10
19				burglar's tools as	
20				part of a criminal	
21				organization and with	
22				intent to steal more	
23				than 1 motor vehicle	
24	750.117	Pub trst	F	Bribing a public	4
25				officer	
26	750.118	Pub trst	D	Public officer	10
27				accepting bribe	
28	750.119(1) (a)	Pub trst	F	Bribing a juror or	4
29				other person	

1	750.119(1) (b)	Pub trst	D	Bribing a juror or	10
2				other person in case	
3				punishable by more	
4				than 10 years	
5	750.120	Pub trst	F	Juror or other person	4
6				accepting a bribe	
7	750.120a(2) (a)	Pub ord	F	Juror intimidation	4
8	750.120a(2) (b)	Pub ord	D	Juror intimidation in	10
9				case punishable by	
10				more than 10 years	
11	750.120a(2) (c)	Person	C	Juror intimidation by	15
12				committing crime or	
13				threatening to kill or	
14				injure	
15	750.120a(4)	Person	D	Retaliating against	10
16				juror	
17	750.121	Pub trst	F	Bribing a public	4
18				officer to influence	
19				contract	
20	750.122(7) (a)	Pub ord	F	Bribing or	~~4~~ Life
21				intimidating witness	
22	750.122(7) (b)	Pub ord	D	Bribing or	~~10~~ Life
23				intimidating witness	
24				in case punishable by	
25				more than 10 years	
26	750.122(7) (c)	Person	C	Intimidating witness	~~15~~ Life
27				by committing crime or	
28				threatening to kill or	
29				injure	

1	750.122(8)	Person	D	Retaliating against	~~10~~ Life
2				witness	
3	750.124	Pub trst	G	Bribing an athlete	4
4	750.128	Pub ord	H	Bucket shop violation	2
5	750.131(3) (b) (ii)	Property	G	NSF checks – \$100 to	2
6				\$500 – third or	
7				subsequent offense	
8	750.131(3) (c)	Property	G	NSF checks – \$500 or	2
9				more	
10	750.131a(1)	Property	H	No account checks	2
11	750.131a(2)	Property	H	NSF checks, 3 or more	2
12				within 10 days	

13 Sec. 16g. (1) This chapter applies to the following felonies
 14 enumerated in chapter 750 of the Michigan Compiled Laws:

15	M.C.L.	Category	Class	Description	Stat Max
16	750.135	Person	D	Exposing children with	10
17				intent to injure or	
18				abandon	
19	750.135a(2) (c)	Person	D	Leaving child	10
20				unattended in vehicle	
21				resulting in serious	
22				physical harm	
23	750.135a(2) (d)	Person	B	Leaving child	15
24				unattended in vehicle	
25				resulting in death	
26	750.136	Person	B	Female genital	15
27				mutilation violation	

1	750.136a	Person	B	Transporting person	15
2				for purpose of female	
3				genital mutilation	
4	750.136b(2)	Person	A	First degree child	Life
5				abuse	
6	~~750.136b(4)(a)~~	Person	C	Second degree child	~~10~~ Life
7	750.136b(4)			abuse ~~— first offense~~	
8	~~750.136b(4)(b)~~	~~Person~~	B	~~Second degree child~~	~~20~~
9				~~abuse — with prior~~	
10				~~conviction~~	
11	~~750.136b(6)(a)~~	Person	G	Third degree child	~~2~~ Life
12	750.136b(6)			abuse ~~— first offense~~	
13	~~750.136b(6)(b)~~	~~Person~~	~~E~~	~~Third degree child~~	~~5~~
14				~~abuse — with prior~~	
15				~~conviction~~	
16	750.136b(8)(b)	Person	G	Fourth degree child	2
17				abuse - with prior	
18				conviction	
19	750.136c	Person	B	Buying or selling an	20
20				individual	
21	750.136d(1)(a)	Person	A	First degree child	Life
22				abuse in presence of	
23				another child	
24	750.136d(1)(b)	Person	D	Second degree child	10
25				abuse in presence of	
26				another child - first	
27				offense	

1	750.136d(1) (c)	Person	B	Second degree child	20
2				abuse in presence of	
3				another child - second	
4				or subsequent offense	
5	750.136d(1) (d)	Person	G	Third degree child	2
6				abuse in presence of	
7				another child	
8	750.145a	Person	F	Soliciting child to	~~4~~ Life
9				commit an immoral act	
10	750.145b	Person	D	Accosting children for	10
11				immoral purposes with	
12				prior conviction	
13	750.145c(2) (a)	Person	B	Producing child	~~20~~ Life
14				sexually abusive	
15				activity or material	
16	750.145c(2) (b)	Person	B	Aggravated producing	~~25~~ Life
17				of child sexually	
18				abusive activity or	
19				material	
20	750.145c(3) (a)	Person	D	Distributing,	~~7~~ Life
21				promoting, or	
22				financing the	
23				distribution of child	
24				sexually abusive	
25				activity or material	

1	750.145c(3)(b)	Person	C	Aggravated	~~15~~ Life
2				distributing,	
3				promoting, or	
4				financing the	
5				distribution of child	
6				sexually abusive	
7				activity or material	
8	750.145c(4)(a)	Person	F	Possessing child	~~4~~ Life
9				sexually abusive	
10				material	
11	750.145c(4)(b)	Person	B	Aggravated possession	~~10~~ Life
12				of child sexually	
13				abusive material	
14	750.145d(2)(b)	Variable	G	Using internet or	2
15				computer to commit	
16				crime punishable by a	
17				maximum term of	
18				imprisonment of at	
19				least 1 year but less	
20				than 2 years	
21	750.145d(2)(c)	Variable	F	Using internet or	4
22				computer to commit	
23				crime punishable by a	
24				maximum term of	
25				imprisonment of at	
26				least 2 years but less	
27				than 4 years	

1	750.145d(2) (d)	Variable	D	Using internet or	10
2				computer to commit	
3				crime punishable by a	
4				maximum term of	
5				imprisonment of at	
6				least 4 years but less	
7				than 10 years	
8	750.145d(2) (e)	Variable	C	Using internet or	15
9				computer to commit	
10				crime punishable by a	
11				maximum term of	
12				imprisonment of at	
13				least 10 years but	
14				less than 15 years	
15	750.145d(2) (f)	Variable	B	Using internet or	20
16				computer to commit	
17				crime punishable by a	
18				maximum term of	
19				imprisonment of at	
20				least 15 years or for	
21				life	
22	750.145h(3)	Person	G	Causing vulnerable	2
23				adult to provide	
24				sexually explicit	
25				visual material -	
26				second or subsequent	
27				offense	
28	750.145n(1)	Person	C	First degree	15
29				vulnerable adult abuse	

1	750.145n(2)	Person	F	Second degree	4
2				vulnerable adult abuse	
3	750.145n(3)	Person	G	Third degree	2
4				vulnerable adult abuse	
5	750.145o	Person	E	Death of vulnerable	5
6				adult caused by	
7				unlicensed caretaker	
8	750.145p(1)	Person	G	Commingle funds of,	2
9				obstructing	
10				investigation	
11				regarding, or filing	
12				false information	
13				regarding, vulnerable	
14				adult	
15	750.145p(2)	Person	G	Retaliation or	2
16				discrimination by	
17				caregiver against	
18				vulnerable adult	
19	750.145p(5)	Person	E	Caregiver or licensee	5
20				violation against	
21				vulnerable adult –	
22				second or subsequent	
23				offense	
24	750.147b(3) (a)	Person	G	Certain hate-crime-	2
25				related violations	

1	750.147b(3)(b)	Person	E	Certain hate-crime-	5
2				related violations -	
3				second or subsequent	
4				offense or aggravating	
5				factors	
6	750.147b(3)(c)	Person	D	Certain hate-crime-	10
7				related violations -	
8				second or subsequent	
9				offense or aggravating	
10				factors	
11	750.147c(2)	Property	D	Institutional	10
12				desecration involving	
13				\$20,000 or more or	
14				with prior convictions	
15	750.147c(3)	Property	E	Institutional	5
16				desecration involving	
17				\$1,000 to \$20,000 or	
18				with prior convictions	

19 (2) For a violation of section 145d of the Michigan penal
20 code, 1931 PA 328, MCL 750.145d, determine the offense category,
21 offense variable level, and prior record variable level based on
22 the underlying offense.

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

25	M.C.L.	Category	Class	Description	Stat Max
26	750.158	Pub ord	E	Sodomy	15
27	750.159j	Pub saf	B	Racketeering	~~20~~ Life

1	750.160	Pub ord	D	Disinterring or	10
2				mutilating dead human	
3				body	
4	750.160a	Pub ord	H	Photographing dead	2
5				human body	
6	750.160c	Pub ord	D	Improper disposal of	10
7				dead human body after	
8				more than 180 days	
9	750.160d(1)	Person	G	Sexual contact	2
10				committed with a dead	
11				human body	
12	750.160d(2)	Person	C	Sexual penetration	15
13				committed with a dead	
14				human body	
15	750.161	Pub ord	G	Desertion,	3
16				abandonment, or	
17				nonsupport	
18	750.164	Pub ord	F	Desertion to escape	4
19				prosecution	
20	750.165	Pub ord	F	Failing to pay support	4
21	750.168(2) (a)	Pub ord	G	Disorderly conduct at	2
22				a funeral, memorial	
23				service, viewing,	
24				procession, or burial	
25	750.168(2) (b)	Pub ord	F	Disorderly conduct at	4
26				a funeral, memorial	
27				service, viewing,	
28				procession, or burial	
29				— subsequent offense	

1	750.174(4)	Property	E	Embezzlement by agent	~~5~~ Life
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~~ Life
18				of \$50,000 to \$100,000	
19	750.174(7)	Property	B	Embezzlement by agent	~~20~~ Life
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~~ Life
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 Sec. 16j. This chapter applies to the following felonies
 22 enumerated in chapter 750 of the Michigan Compiled Laws:

23	M.C.L.	Category	Class	Description	Stat Max
24	750.183	Pub saf	E	Aiding escaping	7
25				prisoner	
26	750.186a(1)	Pub saf	F	Escape from a juvenile	4
27				facility	

1	750.189	Pub saf	H	Officer negligently	2
2				allowing prisoner to	
3				escape or refusing to	
4				receive prisoner	
5	750.190	Pub saf	G	Officer receiving	2
6				reward to assist or	
7				permit escape	
8	750.193	Pub saf	E	Escape from prison	~~5~~ Life
9	750.195(1)	Pub saf	H	Escape from a	2
10				misdemeanor jail	
11				sentence	
12	750.195(2)	Pub saf	F	Escape from a felony	~~4~~ Life
13				jail sentence	
14	750.197(1)	Pub saf	H	Escape while awaiting	2
15				trial for misdemeanor	
16	750.197(2)	Pub saf	F	Escape while awaiting	4
17				trial for felony	
18	750.197c	Pub saf	E	Escape from jail	~~5~~ Life
19				through violence	
20	750.199(3)	Pub saf	F	Harboring a person for	4
21				whom felony warrant	
22				has been issued	
23	750.199a	Pub ord	F	Absconding on or	4
24				forfeiting bond	

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

M.C.L.	Category	Class	Description	Stat Max

1	750.200	Pub saf	E	Transporting an	5
2				explosive by common	
3				carrier	
4	750.200i (2) (a)	Pub saf	C	Manufacturing or using	15
5				a harmful device	
6	750.200i (2) (b)	Property	B	Harmful device causing	20
7				property damage	
8	750.200i (2) (c)	Person	A	Harmful device causing	25
9				personal injury	
10	750.200i (2) (d)	Person	A	Harmful device causing	Life
11				serious impairment	
12	750.200j (2) (a)	Person	E	Irritant or irritant	5
13				device	
14	750.200j (2) (b)	Property	E	Irritant or irritant	7
15				device causing	
16				property damage	
17	750.200j (2) (c)	Person	D	Irritant or irritant	10
18				device causing	
19				personal injury	
20	750.200j (2) (d)	Person	A	Irritant or irritant	25
21				device causing serious	
22				impairment	
23	750.200j (2) (e)	Person	A	Irritant or irritant	Life
24				device causing death	
25	750.200 (l)	Person	E	Falsely exposing	5
26				person to harmful	
27				substance or device	
28	750.201	Pub saf	E	Transporting certain	5
29				types of explosives	

1	750.202	Pub saf	F	Shipping an explosive	4
2				with false markings or	
3				invoice	
4	750.204 (2) (a)	Pub saf	C	Sending an explosive	15
5				with malicious intent	
6	750.204 (2) (b)	Property	B	Sending an explosive	20
7				causing property	
8				damage	
9	750.204 (2) (c)	Person	A	Sending an explosive	25
10				causing physical	
11				injury	
12	750.204 (2) (d)	Person	A	Sending an explosive	Life
13				causing serious	
14				impairment	
15	750.204a	Pub saf	E	Sending or	5
16				transporting an	
17				imitation explosive	
18				device with malicious	
19				intent	
20	750.204b	Pub saf	G	Importing,	2
21				manufacturing,	
22				distributing, or	
23				storing explosives in	
24				violation of certain	
25				federal laws and	
26				regulations	
27	750.207 (2) (a)	Pub saf	C	Placing an explosive	~~15~~ Life
28				with malicious intent	

1	750.207(2) (b)	Property	B	Placing an explosive	20
2				causing property	
3				damage	
4	750.207(2) (c)	Person	A	Placing an explosive	25
5				causing physical	
6				injury	
7	750.207(2) (d)	Person	A	Placing an explosive	Life
8				causing serious	
9				impairment	
10	750.209(1) (a)	Pub saf	C	Placing an offensive	15
11				or injurious substance	
12				with intent to injure	
13	750.209(1) (b)	Property	B	Placing an offensive	20
14				or injurious substance	
15				causing property	
16				damage	
17	750.209(1) (c)	Person	A	Placing an offensive	25
18				or injurious substance	
19				causing physical	
20				injury	
21	750.209(1) (d)	Person	A	Placing an offensive	Life
22				or injurious substance	
23				causing serious	
24				impairment	
25	750.209(2)	Pub saf	E	Placing an offensive	5
26				or injurious substance	
27				with intent to alarm	
28				or annoy	

1	750.209a	Pub saf	D	Possessing an	10
2				explosive device in	
3				public place	
4	750.210 (2) (a)	Pub saf	C	Possessing or carrying	15
5				an explosive or	
6				combustible substance	
7				with malicious intent	
8	750.210 (2) (b)	Property	B	Possessing or carrying	20
9				an explosive or	
10				combustible substance	
11				causing property	
12				damage	
13	750.210 (2) (c)	Person	A	Possessing or carrying	25
14				an explosive or	
15				combustible substance	
16				causing physical	
17				injury	
18	750.210 (2) (d)	Person	A	Possessing or carrying	Life
19				an explosive or	
20				combustible substance	
21				causing serious	
22				impairment	
23	750.210a	Pub saf	H	Sale of valerium	5

1	750.211a (2) (a)	Pub saf	F	Manufacturing or	4
2				possessing a Molotov	
3				cocktail or similar	
4				device designed to	
5				explode upon impact or	
6				by heat or flame or	
7				that is highly	
8				incendiary	
9	750.211a (2) (b)	Pub saf	C	Manufacturing or	15
10				possessing an	
11				explosive or	
12				incendiary device with	
13				malicious intent	
14	750.211a (2) (c)	Property	B	Manufacturing or	20
15				possessing an	
16				explosive or	
17				incendiary device	
18				causing property	
19				damage	
20	750.211a (2) (d)	Person	A	Manufacturing or	25
21				possessing an	
22				explosive or	
23				incendiary device	
24				causing physical	
25				injury	

1	750.211a(2)(e)	Person	A	Manufacturing or	Life
2				possessing an	
3				explosive or	
4				incendiary device	
5				causing serious	
6				impairment	
7	750.212a	Person	B	Explosives violation	20
8				involving a vulnerable	
9				target	

10 Sec. 16~~l~~. (1) This chapter applies to the following felonies
 11 enumerated in chapter 750 of the Michigan Compiled Laws:

12	M.C.L.	Category	Class	Description	Stat Max
13	750.213	Person	B	Threats to extort	~~20~~ Life
14				money	
15	750.213a(3)(a)	Person	Variable	Coercing female to	Variable
16				have an abortion	
17				against her will	
18	750.213b(1)(a)	Person	E	Extortion involving	5
19				sexually explicit	
20				visual material -	
21				first offense	
22	750.213b(1)(b)	Person	D	Extortion involving	10
23				sexually explicit	
24				visual material -	
25				second offense	

1	750.213b(1) (c)	Person	B	Extortion involving	20
2				sexually explicit	
3				visual material -	
4				third or subsequent	
5				offense	
6	750.213b(2)	Person	B	Extortion involving	25
7				sexually explicit	
8				visual material -	
9				certain aggravating	
10				factors	
11	750.215(3)	Pub saf	F	Impersonating peace	4
12				officer	
13	750.217b	Pub saf	G	Impersonating public	2
14				utility employee	
15	750.217c(3)	Pub ord	H	Impersonating public	2
16				officer or employee -	
17				subsequent conviction	
18	750.217c(4)	Pub ord	G	Impersonating public	4
19				officer or employee -	
20				third or subsequent	
21				conviction	
22	750.217d	Pub saf	C	False representation	15
23				or practice as health	
24				professional	
25	750.217e	Pub ord	G	Impersonating a DHHS	2
26				employee	

1	750.217f	Pub saf	G	Impersonating a	2
2				firefighter or	
3				emergency medical	
4				service personnel	
5	750.218(4)	Property	E	False pretenses	~~5~~ Life
6				involving \$1,000 or	
7				more but less than	
8				\$20,000 or \$200 or	
9				more but less than	
10				\$1,000 with prior	
11				convictions	
12	750.218(5)	Property	C	False pretenses	~~15~~ Life
13				involving \$20,000 or	
14				more but less than	
15				\$50,000 or \$1,000 or	
16				more but less than	
17				\$20,000 with prior	
18				convictions	
19	750.218(6)	Property	C	False pretenses	~~15~~ Life
20				involving a value of	
21				\$50,000 or more but	
22				less than \$100,000 or	
23				\$20,000 or more but	
24				less than \$50,000	
25				with prior	
26				convictions	

1	750.218(7)	Property	B	False pretenses	~~20~~ Life
2				involving a value of	
3				\$100,000 or more or	
4				\$50,000 or more but	
5				less than \$100,000	
6				with prior	
7				convictions	
8	750.219a(2)(c)	Property	E	Telecommunications	5
9				fraud with 1 or more	
10				prior convictions or	
11				involving a value of	
12				\$1,000 to \$20,000	
13	750.219a(2)(d)	Property	D	Telecommunications	10
14				fraud with 2 or more	
15				prior convictions or	
16				involving a value of	
17				\$20,000 or more	
18	750.219d(4)(a)	Pub ord	C	Residential mortgage	15
19				fraud violation	
20				involving loan value	
21				of \$100,000 or less	
22	750.219d(4)(b)	Pub ord	B	Residential mortgage	20
23				fraud violation	
24				involving loan value	
25				of more than \$100,000	

1	750.219e	Property	F	Receiving,	4
2				possessing,	
3				preparing, or	
4				submitting an	
5				unauthorized credit	
6				application or	
7				receiving or	
8				possessing proceeds	
9	750.219f	Property	F	Receiving with intent	4
10				to forward,	
11				possessing with	
12				intent to forward, or	
13				forwarding an	
14				unauthorized credit	
15				application or	
16				proceeds	

17 (2) For a violation of section 213a(3) (a) of the Michigan
 18 penal code, 1931 PA 328, MCL 750.213a, determine the offense class,
 19 offense variable level, and prior record variable level based on
 20 the underlying offense.

21 Sec. 16m. This chapter applies to the following felonies
 22 enumerated in chapter 750 of the Michigan Compiled Laws:

23	M.C.L.	Category	Class	Description	Stat Max
24	750.223(2)	Pub saf	F	Sale of firearm to minor –	4
25				subsequent offense	
26	750.223(3)	Pub ord	D	Sale of firearm to person	10
27				prohibited from possessing	

1	750.224	Pub saf	E	Manufacture or sale of	5
2				silencer, bomb, blackjack,	
3				automatic weapon, gas	
4				spray, etc.	
5	750.224a (4)	Pub saf	F	Possession or sale of	4
6				electrical current weapons	
7	750.224a (6)	Pub saf	G	Improper use of electro-	2
8				muscular disruption device	
9	750.224b	Pub saf	E	Possession of short	5
10				barreled shotgun or rifle	
11	750.224c	Pub saf	F	Armor piercing ammunition	4
12	750.224d (2)	Person	G	Using self-defense spray	2
13				device	
14	750.224e	Pub saf	F	Manufacture/sale/possession	4
15				of devices to convert	
16				semiautomatic weapons	
17	750.224f (6)	Pub saf	E	Possession or sale of	~~5~~ Life
18				firearm by prohibited	
19				person	
20	750.224f (7)	Pub saf	E	Possession or sale of	~~5~~ Life
21				ammunition by prohibited	
22				person	
23	750.226	Pub saf	E	Carrying firearm or	5
24				dangerous weapon with	
25				unlawful intent	
26	750.227	Pub saf	E	Carrying a concealed weapon	5
27	750.227a	Pub saf	F	Unlawful possession of	4
28				pistol	

1	750.227b(1)	Pub saf	D	Felony firearm - first,	Life
2				second, third, or	
3				subsequent offense	
4	750.227b(2)	Pub saf	D	Felony firearm pneumatic	Life
5				gun - first, second, third,	
6				or subsequent offense	
7	750.227c	Pub saf	G	Possessing a loaded firearm	2
8				in or upon a vehicle	
9	750.227f	Pub saf	F	Wearing body armor during	4
10				commission of certain	
11				crimes	
12	750.227g(1)	Pub saf	F	Felon purchasing, owning,	4
13				possessing, or using body	
14				armor	
15	750.230	Pub saf	G	Altering ID mark on firearm	2
16	750.232a(3)	Pub saf	G	False statement in a	4
17				firearm application	
18	750.234a(1)(a)	Pub saf	D	Discharging firearm from	10
19				vehicle	
20	750.234a(1)(b)	Person	C	Discharging firearm from	15
21				vehicle causing physical	
22				injury	
23	750.234a(1)(c)	Person	B	Discharging firearm from	20
24				vehicle causing serious	
25				impairment	
26	750.234a(1)(d)	Person	A	Discharging firearm from	Life
27				vehicle causing death	

1	750.234b(1)	Pub saf	D	Discharging firearm at a	10
2				dwelling or potentially	
3				occupied structure	
4	750.234b(2)	Pub saf	D	Discharging firearm in a	10
5				dwelling or potentially	
6				occupied structure	
7	750.234b(3)	Pub saf	C	Discharging firearm in or	15
8				at a dwelling or	
9				potentially occupied	
10				structure causing physical	
11				injury	
12	750.234b(4)	Person	B	Discharging firearm in or	20
13				at a dwelling or	
14				potentially occupied	
15				structure causing serious	
16				impairment	
17	750.234b(5)	Person	A	Discharging firearm in or	Life
18				at a dwelling or	
19				potentially occupied	
20				structure causing death	
21	750.234c	Pub saf	F	Discharging firearm at	4
22				emergency/police vehicle	
23	750.235b(2)	Pub saf	D	Threatening to commit	10
24				violent act against school	
25				students or employees on	
26				school property with an	
27				overt act toward completion	
28				or with specific intent	

1	750.236	Person	C	Setting spring gun – death	15
2				resulting	
3	750.237(3)	Person	E	Using firearm while under	5
4				the influence or impaired	
5				causing serious impairment	
6	750.237(4)	Person	C	Using firearm while under	15
7				the influence or impaired	
8				causing death	

9 Sec. 16p. This chapter applies to the following felonies
 10 enumerated in chapter 750 of the Michigan Compiled Laws:

11	M.C.L.	Category	Class	Description	Stat Max
12	750.317	Person	M2	Second degree murder	Life
13	750.317a	Person	A	Delivery of controlled	Life
14				substance causing	
15				death	
16	750.321	Person	C	Manslaughter	~~15~~ Life
17	750.322	Person	C	Willful killing of	15
18				unborn quick child	
19	750.327	Person	A	Death by explosives on	Life
20				vehicle or vessel	
21	750.328	Person	A	Death by explosives in	Life
22				or near building	
23	750.329	Person	C	Homicide – weapon	15
24				aimed with intent but	
25				not malice	
26	750.329a	Person	E	Assisting a suicide	5

27 Sec. 16q. This chapter applies to the following felonies
 28 enumerated in chapter 750 of the Michigan Compiled Laws:

29

1	M.C.L.	Category	Class	Description	Stat Max
2	750.332	Property	H	Entering horse in race	4
3				under false name	
4	750.335a (2) (b)	Person	G	Aggravated indecent	2
5				exposure	
6	750.335a (2) (c)	Person	A	Indecent exposure by	Life
7				sexually delinquent	
8				person	
9	750.338	Pub ord	G	Gross indecency	5
10				between males	
11		Pub ord	A	Gross indecency	Life
12				between males	
13				involving sexually	
14				delinquent person	
15	750.338a	Pub ord	G	Gross indecency	5
16				between females	
17		Pub ord	A	Gross indecency	Life
18				between females	
19				involving sexually	
20				delinquent person	
21	750.338b	Pub ord	G	Gross indecency	5
22				between males and	
23				females	
24		Pub ord	A	Gross indecency	Life
25				between males and	
26				females involving	
27				sexually delinquent	
28				person	
29	750.349	Person	A	Kidnapping	Life

1	750.349a	Person	A	Prisoner taking a	Life
2				hostage	
3	750.349b	Person	C	Unlawful imprisonment	~~15~~ Life
4	750.350	Person	A	Kidnapping – child	Life
5				enticement	
6	750.350a	Person	H	Kidnapping – custodial	1
7				interference	
8	Sec. 16r. This chapter applies to the following felonies				
9	enumerated in chapter 750 of the Michigan Compiled Laws:				
10	M.C.L.	Category	Class	Description	Stat Max
11	750.356(2)	Property	D	Larceny involving	~~10~~ Life
12				\$20,000 or more or	
13				with prior convictions	
14	750.356(3)	Property	E	Larceny involving	~~5~~ Life
15				\$1,000 to \$20,000 or	
16				with prior convictions	
17	750.356(4)	Property	G	Larceny involving \$200	Life
18				to \$1,000 with prior	
19				convictions	
20	750.356a(1)	Property	G	Larceny from a motor	5
21				vehicle	
22	750.356a(2)(c)	Property	E	Breaking and entering	~~5~~ Life
23				a vehicle to steal	
24				\$1,000 to \$20,000 or	
25				with prior convictions	
26	750.356a(2)(d)	Property	D	Breaking and entering	10
27				a vehicle to steal	
28				\$20,000 or more or	
29				with prior convictions	

1	750.356a (3)	Property	G	Breaking and entering	~~5~~ Life
2				a vehicle to steal	
3				causing damage	
4	750.356b	Property	G	Breaking and entering	4
5				a coin telephone	
6	750.356c	Property	E	Retail fraud – first	~~5~~ Life
7				degree	
8	750.356d(1)	Property	G	Retail fraud – second	Life
9				degree	
10	750.357	Person	D	Larceny from the	~~10~~ Life
11				person	
12	750.357a	Property	G	Larceny of livestock	4
13	750.357b	Property	E	Larceny – stealing	~~5~~ Life
14				firearms of another	
15	750.358	Property	G	Larceny from burning	5
16				building	
17	750.360	Property	G	Larceny in a building	~~4~~ Life
18	750.360a (2) (b)	Property	F	Theft detection device	4
19				offense with prior	
20				conviction	
21	750.361	Property	H	Trains –	2
22				stealing/maliciously	
23				removing parts	
24	750.362	Property	E	Larceny by conversion	~~5~~ Life
25				~~involving \$1,000 to~~	
26				~~\$20,000 or with prior~~	
27				~~convictions~~	

1		Property	D	~~Larceny by conversion~~	~~10~~
2				~~involving \$20,000 or~~	
3				~~more or with prior~~	
4				~~convictions~~	
5	750.362a (2)	Property	D	Larceny of rental	10
6				property involving	
7				\$20,000 or more or	
8				with prior convictions	
9	750.362a (3)	Property	E	Larceny of rental	5
10				property involving	
11				\$1,000 to \$20,000 or	
12				with prior convictions	
13	750.363	Property	E	Larceny by false	5
14				personation involving	
15				\$1,000 to \$20,000 or	
16				with prior convictions	
17		Property	D	Larceny by false	10
18				personation involving	
19				\$20,000 or more	
20	750.365	Person	D	Larceny from car or	20
21				persons detained or	
22				injured by accident	
23	750.367	Property	E	Larceny of trees or	5
24				shrubs involving	
25				\$1,000 to \$20,000 or	
26				with prior convictions	

1		Property	D	Larceny of a tree or	10
2				shrub involving	
3				\$20,000 or more or	
4				with prior convictions	
5	750.367b	Property	E	Airplanes – taking	5
6				possession	
7	750.368(5)	Pub ord	G	Preparing, serving, or	4
8				executing unauthorized	
9				process – third or	
10				subsequent offense	
11	750.372	Pub ord	H	Running or allowing	2
12				lottery	
13	750.373	Pub ord	H	Selling or possessing	2
14				lottery tickets	
15	750.374	Pub ord	H	Lottery violations –	4
16				subsequent offense	

17 Sec. 16s. This chapter applies to the following felonies
 18 enumerated in chapter 750 of the Michigan Compiled Laws:

19	M.C.L.	Category	Class	Description	Stat Max
20	750.377a(1) (a)	Property	D	Malicious destruction	~~10~~ Life
21				of personal property	
22				involving \$20,000 or	
23				more or with prior	
24				convictions	
25	750.377a(1) (b)	Property	E	Malicious destruction	~~5~~ Life
26				of personal property	
27				involving \$1,000 to	
28				\$20,000 or with prior	
29				convictions	

1	750.377b	Property	F	Malicious destruction	~~4~~ Life
2				of fire/police	
3				property	
4	750.377c	Property	E	School bus –	5
5				intentional damage	
6	750.378	Property	F	Malicious destruction	4
7				of property –	
8				dams/canals/mills	
9	750.379	Property	F	Malicious destruction	4
10				of property –	
11				bridges/railroads/lock	
12				s	
13	750.380 (2)	Property	D	Malicious destruction	~~10~~ Life
14				of building involving	
15				\$20,000 or more or	
16				with prior convictions	
17	750.380 (3)	Property	E	Malicious destruction	~~5~~ Life
18				of a building	
19				involving \$1,000 to	
20				\$20,000 or with prior	
21				convictions	
22	750.382 (1) (c)	Property	E	Malicious destruction	5
23				of plants or turf	
24				involving \$1,000 to	
25				\$20,000 or with prior	
26				convictions	

1	750.382(1)(d)	Property	D	Malicious destruction	10
2				of plants or turf	
3				involving \$20,000 or	
4				more or with prior	
5				convictions	
6	750.383a	Property	E	Malicious destruction	~~5~~ Life
7				of utility equipment	
8				or utility	
9				infrastructure	
10				component	
11	750.386	Property	E	Malicious destruction	20
12				of mine property	
13	750.387(5)	Property	E	Malicious destruction	5
14				of a tomb or memorial	
15				involving \$1,000 to	
16				\$20,000 or with prior	
17				convictions	
18	750.387(6)	Property	D	Malicious destruction	10
19				of a tomb or memorial	
20				involving \$20,000 or	
21				more or with prior	
22				convictions	
23	750.392	Property	E	Malicious destruction	10
24				of property – vessels	
25	750.394(2)(c)	Person	F	Throwing or dropping	4
26				dangerous object at	
27				vehicle causing injury	

1	750.394 (2) (d)	Person	D	Throwing or dropping	10
2				dangerous object at	
3				vehicle causing	
4				serious impairment	
5	750.394 (2) (e)	Person	C	Throwing or dropping	15
6				dangerous object at	
7				vehicle causing death	
8	750.395 (2) (c)	Property	E	Damaging or destroying	5
9				research property with	
10				a value between \$1,000	
11				and \$20,000 or with	
12				prior convictions	
13	750.395 (2) (d)	Property	E	Damaging or destroying	5
14				research property with	
15				a value of \$20,000 or	
16				more or 2 or more	
17				prior convictions	
18	750.395 (2) (e)	Person	E	Damaging or destroying	5
19				research property	
20				resulting in physical	
21				injury	
22	750.395 (2) (f)	Person	D	Damaging or destroying	10
23				research property	
24				resulting in serious	
25				impairment of body	
26				function	
27	750.395 (2) (g)	Person	C	Damaging or destroying	15
28				research property	
29				resulting in death	

1	750.397	Person	D	Mayhem	10
2	750.397a	Person	D	Placing harmful	10
3				objects in food	
4	750.405	Pub saf	E	Inciting soldiers to	5
5				desert	
6	750.406	Pub saf	E	Military stores –	5
7				larceny, embezzlement	
8				or destruction	

9 Sec. 16t. This chapter applies to the following felonies
10 enumerated in chapter 750 of the Michigan Compiled Laws:

11	M.C.L.	Category	Class	Description	Stat Max
12	750.409b	Pub ord	F	Knowing possession	3
13				of ransomware with	
14				intent to use	
15				without	
16				authorization	
17	750.410a	Person	G	Conspiracy to	4
18				commit a person to	
19				state hospital	
20				unjustly	
21	750.411a(1) (b)	Pub ord	F	False report of a	4
22				felony	
23	750.411a(1) (c)	Person	E	False report of	5
24				crime resulting in	
25				physical injury	
26	750.411a(1) (d)	Person	D	False report of	10
27				crime resulting in	
28				serious impairment	
29				of body function	

1	750.411a(1)(e)	Person	C	False report of	15
2				crime resulting in	
3				death	
4	750.411a(3)(a)	Pub ord	F	Threat or false	4
5				report of an	
6				explosive or	
7				harmful device,	
8				substance, or	
9				material	
10	750.411a(3)(b)	Pub ord	D	Threat or false	10
11				report of an	
12				explosive or	
13				harmful device,	
14				substance, or	
15				material –	
16				subsequent offense	
17	750.411a(4)(b)	Person	E	False report of	5
18				medical or other	
19				emergency	
20				resulting in	
21				physical injury	
22	750.411a(4)(c)	Person	D	False report of	10
23				medical or other	
24				emergency	
25				resulting in	
26				serious impairment	
27				of body function	

1	750.411a (4) (d)	Person	C	False report of	15
2				medical or other	
3				emergency	
4				resulting in death	
5	750.411b	Pub trst	G	Excess fees to	4
6				members of	
7				legislature	
8	750.411h (2) (a)	Person	G	Stalking	Life
9	750.411h (2) (b)	Person	E	Stalking of a	~~5~~ Life
10				minor	
11	~~750.411i (3) (a)~~ 750.411i (3)	Person	~~E~~ D	Aggravated	~~5~~ Life
12				stalking	
13	~~750.411i (3) (b)~~	~~Person~~	~~D~~	~~Aggravated~~	~~10~~
14				~~stalking of a~~	
15				~~minor~~	
16	750.411l	Pub ord	H	Fourth degree	2
17				money laundering	
18	750.411m	Pub ord	E	Third degree money	5
19				laundering	
20	750.411n	Pub ord	D	Second degree	10
21				money laundering	
22	750.411o	Pub ord	B	First degree money	20
23				laundering	
24	750.411p (2) (a)	Property	B	Money laundering	20
25				of proceeds from	
26				controlled	
27				substance offense	
28				involving \$10,000	
29				or more	

1	750.411p(2)(b)	Property	D	Money laundering	10
2				of proceeds from	
3				controlled	
4				substance offense	
5				or other proceeds	
6				involving \$10,000	
7				or more	
8	750.411p(2)(c)	Property	E	Money laundering –	5
9				transactions	
10				involving	
11				represented	
12				proceeds	
13	750.411s(2)(a)	Person	G	Unlawful posting	2
14				of message	
15	750.411s(2)(b)	Person	E	Unlawful posting	5
16				of message with	
17				aggravating	
18				circumstances	
19	750.411t(2)(b)	Person	E	Hazing resulting	5
20				in serious	
21				impairment of body	
22				function	
23	750.411t(2)(c)	Person	C	Hazing resulting	15
24				in death	
25	750.411u	Pub ord	B	Gang membership	~~20~~ Life
26				felonies	
27	750.411v(1)	Person	E	Gang recruitment	5

1	750.411v(2)	Person	B	Retaliation for	20
2				withdrawal from	
3				gang	
4	750.411w	Pub ord	E	Selling or	5
5				possessing	
6				automated sales	
7				suppression device	
8				or zapper,	
9				phantom-ware, or	
10				skimming device	
11	750.411x(4)	Person	E	Cyberbullying	5
12				causing serious	
13				injury	
14	750.411x(5)	Person	D	Cyberbullying	10
15				causing death	

Sec. 16w. (1) This chapter applies to the following felonies
enumerated in chapter 750 of the Michigan Compiled Laws:

18	M.C.L.	Category	Class	Description	Stat Max
19	750.451(3)	Pub ord	G	Prostitution – various	2
20				offenses – third or	
21				subsequent offense	
22	750.451(4)	Person	E	Soliciting a person	~~5~~ Life
23				under 18 years of age	
24				to commit prostitution	
25	750.452	Pub ord	E	Keeping a house of	5
26				prostitution	
27	750.455	Pub ord	B	Pandering	20
28	750.456	Person	B	Placing spouse into	20
29				prostitution	

1	750.457	Pub ord	B	Accepting earnings of	20
2				a prostitute	
3	750.458	Person	B	Prostitution –	20
4				detaining person for	
5				debt	
6	750.459(1)	Person	B	Transporting a person	~~20~~ Life
7				for prostitution	
8	750.459(2)	Person	E	Selling travel	5
9				services to facilitate	
10				prostitution or human	
11				trafficking in other	
12				jurisdictions	
13	750.459(3)	Person	D	Selling travel	10
14				services to facilitate	
15				prostitution or human	
16				trafficking in other	
17				jurisdictions	
18				involving a minor	
19	750.462f(1) (a)	Person	D	Human trafficking	10
20				violation	
21	750.462f(1) (b)	Person	C	Human trafficking	15
22				violation resulting in	
23				bodily injury	
24	750.462f(1) (c)	Person	B	Human trafficking	20
25				violation resulting in	
26				serious bodily injury	

1	750.462f(1) (d)	Person	A	Human trafficking	Life
2				violation involving	
3				death or the	
4				commission of certain	
5				felonies	
6	750.462f(2)	Person	B	Obtaining a minor for	20
7				commercial sexual	
8				activity or for forced	
9				labor or services	
10	750.462f(3)	Person	Variable	Attempting,	Variable
11			e	conspiring, or	
12				soliciting another to	
13				violate human	
14				trafficking laws	
15	750.465a(1) (b)	Property	G	Operating audiovisual	2
16				recording device in a	
17				theatrical facility –	
18				second offense	
19	750.465a(1) (c)	Property	F	Operating audiovisual	4
20				recording device in a	
21				theatrical facility –	
22				third or subsequent	
23				offense	

24 (2) For a violation of section 462f(3) of the Michigan penal
 25 code, 1931 PA 328, MCL 750.462f, determine the offense category,
 26 offense variable level, and prior record variable level based on
 27 the underlying offense.

28 Sec. 16x. This chapter applies to the following felonies
 29 enumerated in chapter 750 of the Michigan Compiled Laws:

1	M.C.L.	Category	Class	Description	Stat Max
2	750.478a(2)	Pub ord	H	Unauthorized process	2
3				to obstruct a public	
4				officer or employee	
5	750.478a(3)	Pub ord	G	Unauthorized process	4
6				to obstruct a public	
7				officer or employee –	
8				subsequent offense	
9	750.479(2)	Person	G	Assaulting or	~~2~~ Life
10				obstructing certain	
11				officials	
12	750.479(3)	Person	G	Assaulting or	4
13				obstructing certain	
14				officials causing	
15				injury	
16	750.479(4)	Person	D	Assaulting or	10
17				obstructing certain	
18				officials causing	
19				serious impairment	
20	750.479(5)	Person	B	Assaulting or	20
21				obstructing certain	
22				officials causing	
23				death	
24	750.479a(2)	Pub saf	G	Fleeing and eluding –	~~2~~ Life
25				fourth degree	
26	750.479a(3)	Pub saf	E	Fleeing and eluding –	~~5~~ Life
27				third degree	
28	750.479a(4)	Person	C	Fleeing and eluding –	~~10~~ Life
29				second degree	

1	750.479a(5)	Person	B	Fleeing and eluding –	15
2				first degree	
3	750.479b(1)	Person	F	Disarming peace	4Life
4				officer – nonfirearm	
5	750.479b(2)	Person	D	Disarming peace	10Life
6				officer – firearm	
7	750.479c(2)(c)	Pub ord	G	Providing false	2
8				information to peace	
9				officer conducting	
10				criminal investigation	
11	750.479c(2)(d)	Pub ord	F	Providing false or	4
12				misleading information	
13				to peace officer	
14				conducting criminal	
15				investigation	
16				regarding certain	
17				felonies	
18	750.480	Pub trst	F	Public officers –	4
19				refusing to turn over	
20				books/money to	
21				successor	
22	~~750.483a(2)(b)~~	~~Person~~	~~D~~	~~Withholding evidence,~~	~~10~~
23				~~preventing report of~~	
24				~~crime, or retaliating~~	
25				~~for reporting crime~~	
26				~~punishable by more~~	
27				~~than 10 years~~	

1	750.483a (4) (b)	Person	D	Interfering with	10
2				police investigation	
3				by committing crime or	
4				threatening to kill or	
5				injure	
6	~~750.483a (6) (a)~~	~~Pub ord~~	~~F~~	~~Tampering with~~	~~4~~
7				~~evidence or offering~~	
8				~~false evidence~~	
9	750.483a (6) (b)	Pub ord	D	Tampering with	~~10~~ Life
10				evidence or offering	
11				false evidence in case	
12				punishable by more	
13				than 10 years	
14	750.488	Pub trst	H	Public officers –	2
15				state official –	
16				retaining fees	
17	750.490	Pub trst	H	Public money –	2
18				safekeeping	
19	750.491	Pub trst	H	Public records –	2
20				removal/mutilation/	
21				destruction	
22	750.492a (1) (a)	Pub trst	G	Medical record –	4
23				intentional place	
24				false information –	
25				health care provider	
26	750.492a (2)	Pub trst	G	Medical record –	4
27				health care provider –	
28				altering to conceal	
29				injury/death	

1	750.495a (2)	Person	F	Concealing objects in	4
2				trees or wood products	
3				— causing injury	
4	750.495a (3)	Person	C	Concealing objects in	15
5				trees or wood products	
6				— causing death	
7	750.498b (2) (a)	Person	E	Tampering with,	5
8				taking, or removing	
9				marine safety device	
10				without authority	
11				causing serious	
12				impairment	
13	750.498b (2) (b)	Person	C	Tampering with,	15
14				taking, or removing	
15				marine safety device	
16				without authority	
17				causing death	
18	750.502d	Pub saf	F	Unlawfully possessing	4
19				or transporting	
20				anhydrous ammonia or	
21				tampering with	
22				containers	
23	750.505	Pub ord	E	Common law offenses	5
24	750.508 (2) (b)	Pub ord	G	Carrying or possessing	2
25				a scanner in the	
26				commission of a crime	
27	750.511	Person	A	Blocking or wrecking	Life
28				railroad track	

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1	750.531	Person	C	Bank	Life
2				robbery/safebreaking	
3	750.532	Person	H	Seduction	5
4	Sec. 16bb. This chapter applies to the following felonies				
5	enumerated in chapter 750 of the Michigan Compiled Laws:				
6	M.C.L.	Category	Class	Description	Stat Max
7	750.543f	Person	A	Terrorism without	Life
8				causing death	
9	750.543h(3) (a)	Pub ord	B	Hindering prosecution	20
10				of terrorism – certain	
11				terrorist acts	
12	750.543h(3) (b)	Pub ord	A	Hindering prosecution	Life
13				of terrorism – act of	
14				terrorism	
15	750.543k	Pub saf	B	Soliciting or	20
16				providing material	
17				support for terrorism	
18				or terrorist acts	
19	750.543m	Pub ord	B	Threat or false report	20
20				of terrorism	
21	750.543p	Pub saf	B	Use of internet or	20
22				telecommunications to	
23				commit certain	
24				terrorist acts	
25	750.543r	Pub saf	B	Possession of	20
26				vulnerable target	
27				information with	
28				intent to commit	
29				certain terrorist acts	

1	750.545	Pub ord	E	Misprision of treason	5
2	750.552b	Property	F	Trespassing on	4
3				correctional facility	
4				property	
5	750.552c	Pub saf	F	Trespass upon key	4
6				facility	
7	750.553	Property	G	Squatting ~~, second or~~	~~2~~ Life
8				~~subsequent offense~~	

9 Sec. 17b. This chapter applies to the following felonies
 10 enumerated in chapter 752 of the Michigan Compiled Laws:

11	M.C.L.	Category	Class	Description	Stat Max
12	752.272a(2)(c)	Pub saf	F	Sale or distribution	4
13				of nitrous oxide	
14				device — 2 or more	
15				prior convictions	
16	752.365(3)	Pub ord	G	Obscenity — subsequent	2
17				offense	
18	752.541	Pub saf	D	Riot	~~10~~ Life
19	752.542	Pub saf	D	Incitement to riot	~~10~~ Life
20	752.542a	Pub saf	D	Riot in state	~~10~~ Life
21				correctional	
22				facilities	
23	752.543	Pub saf	G	Unlawful assembly	5

24 Sec. 17g. This chapter applies to the following felonies
 25 enumerated in chapters 800 to 830 of the Michigan Compiled Laws:

26	M.C.L.	Category	Class	Description	Stat Max
27	~~800.281(1)~~	~~Pub saf~~	~~H~~	~~Furnishing prisoner~~	~~5~~
28				~~with contraband~~	

1	800.281(2)	Pub saf	H	Furnishing prisoner	5
2				with contraband	
3				outside	
4	800.281(3)	Pub saf	H	Bringing contraband	~~5~~ Life
5				into prisons	
6	800.281(4)	Pub saf	E	Prisoner possessing	~~5~~ Life
7				contraband	
8	800.283(1)	Pub saf	E	Furnishing weapon to	5
9				prisoner in prison	
10	800.283(2)	Pub saf	E	Prisons – knowledge of	5
11				a weapon in a	
12				correctional facility	
13	800.283(3)	Pub saf	E	Bringing weapon into	~~5~~ Life
14				prison	
15	800.283(4)	Pub saf	E	Prisoner possessing	~~5~~ Life
16				weapon	
17	800.283a	Pub saf	E	Furnishing cell phone	5
18				to prisoner	
19	801.262(1)(a)	Pub saf	E	Bringing weapon into	~~5~~ Life
20				jail	
21	801.262(1)(b)	Pub saf	E	Furnishing weapon to	5
22				prisoner in jail	
23	~~801.262(2)~~	Pub saf	E	Prisoner in jail	~~5~~ Life
24	801.262(3)			possessing weapon	
25	~~801.262a~~	Pub saf	E	Furnishing cell phone	~~5~~ Life
26	801.262a(2)			or other wireless	
27				device to prisoner in	
28				jail	

1 801.263(1) Pub saf H Furnishing contraband ~~5~~**Life**
 2 to prisoner in jail

3 801.263(2) Pub saf H Prisoner in jail ~~5~~**Life**
 4 possessing contraband

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

7 Enacting section 2. This amendatory act does not take effect
 8 unless all of the following bills of the 103rd Legislature are
 9 enacted into law:

- 10 (a) House Bill No. 5908 (request no. H01981'25).
- 11 (b) House Bill No. 5912 (request no. H02093'25).
- 12 (c) House Bill No. 5917 (request no. H02202'25).
- 13 (d) House Bill No. 5913 (request no. H02203'25).
- 14 (e) House Bill No. 5910 (request no. H02204'25).
- 15 (f) House Bill No. 5915 (request no. H02205'25).
- 16 (g) House Bill No. 5909 (request no. H02210'25).
- 17 (h) House Bill No. 5914 (request no. H02295'25).
- 18 (i) House Bill No. 5911 (request no. H02773'25).
- 19 (j) House Bill No. 5916 (request no. H02774'25).
- 20 (k) House Bill No. 5907 (request no. H02775'25).

**Public Policy Position
HB 5908**

Oppose

Explanation

The LGBTQ+ Law Section's detailed position of opposition is provided in the attached document.

Position Vote:

Voted for position: 10

Voted against position: 0

Abstained from vote: 2

Did not vote: 1

Contact: LGBTQ+ Law Section Communications Committee

Email: sbmlgbtq@gmail.com

STATE BAR OF MICHIGAN LGBTQ+ LAW SECTION
Comments in Opposition to HB 5908

The State Bar of Michigan's LGBTQ+ Law Section requests the Public Policy Committee and Board of Commissioners to oppose HB 5908. HB 5908, as currently introduced, would impose a mandatory minimum sentence of 5-10 years, and a statutory maximum sentence for life in prison for certain riot-related offenses. The current punishments for these crimes are already high comparatively speaking the manner in which other states penalize these types of offenses and to other crimes in Michigan. To increase the penalty further is both unnecessary and would impose a chilling effect on individuals who may wish to peacefully exercise their constitutional rights as guaranteed by the First and Fourteenth Amendments.

The LGBTQ+ Law section acknowledges that the crime of rioting as described by MCL 752.541 *et seq*, has mandatory consequences for those unlawful acts, as justice demands. This Section does not take issue with the fact that rioting and those related offenses are criminal at this time. However, it is necessary to note that the crimes related to rioting and the elements listed therein have a clear overlap with peaceful protest; a group of individuals gathered with a purpose to effectuate change. The increase of the penalties for these crimes as proposed in HB 5908 are unjust and appear to be politically motivated, as opposed to justice centered, as the law should be.

The LGBTQ+ Law Section encourages the State Bar of Michigan to oppose this bill for several reasons. First, the LGBTQ+ Law Section reminds the Committee and Commissioners that our community's strength and resilience, along with other marginalized communities, has a foundation in necessary civil resistance; civil resistance where our communities have relied heavily upon the rights guaranteed in the state and federal constitutions to gather and exercise free speech. The significant penalty change proposed by HB 5908 appears to be an effort to silence people through threats and intimidation in the legal system because there is no other justifiable reason to increase and already stringent penalty. Moreover, this bill unnecessarily invades the discretion of a judge to impose a more proportionate and individualized sentence by mandating an unreasonable minimum penalty that is arbitrary. There is no benefit gained from increasing the penalty for this offense that outweighs the chilling effect this bill will have if it is enacted.

The State Bar of Michigan should not support this legislation, and the LGBTQ+ Law Section asks you to oppose this bill.

I. The penalty change is disproportionate as to the crime itself and compared with other crimes.

A. Proportionality as to the Crime Itself

Currently, the relevant portions of the Michigan Penal Code provide that it is a felony offense to "riot," "inciting to riot," or "riot at a state correctional facility," with a penalty of up to 10 years in

prison, and/or a fine up to \$10,000.¹ It is a five year felony, with a potential fine of \$5,000 to participate, or be present at an “unlawful assembly” as it develops.² This is already a notably high penalty. In the 47 states with riot laws, few have as high a penalty.³ Interestingly, Michigan’s law does not have a requirement to cause actual bodily injury, but instead to cause or create a risk of causing “public terror or harm.”⁴ Other states with comparable riot laws to Michigan classify them as misdemeanors with significantly lower penalties.⁵

To add an even greater penalty to such a crime with life in prison as maximum penalty is unprecedented and extremely disproportionate to the crime. There is no penological interest served by incarcerating rioters for the rest of their lives. Which begs the question, why change this penalty now? Moreover, to mandate a sentencing minimum via statute unnecessarily invades the discretion of a sentencing judge who is in a better position to determine the individualized proportionality of the crimes committed and the individual who committed them and to fashion an appropriate sentence within the confines of the existing law, than a statute that offers a one size fits all solution to all these offenses.⁶

B. Proportionality Compared with Other Crimes

To penalize rioting with a minimum sentence of 5 years in prison, and incitement to riot with a minimum sentence of 10 years, both with maximums of life in prison, is grossly disproportionate to other Michigan crimes. As explained above, rioting or inciting a riot does not require grievous bodily harm or death. In fact, incitement to riot, which carries the harsher penalty, could be used to prosecute a person whose only conduct was to urge others to destroy property.⁷

In comparison, other violent crimes carry significantly lesser penalties than those implicated in HB 5908. For example, a conviction for aggravated assault carries a *one-year maximum penalty in jail*.⁸ Aggravated assault only exists where a victim sustains an injury that requires immediate medical attention, “or results in disfigurement, impairment, or loss of bodily function.” Second degree child abuse, which requires that a person have caused “serious physical harm or serious mental harm to a child” carries a *maximum penalty of up to ten years in prison*.⁹

¹ MCL 752.544.

² MCL 752.533(2).

³ D.C. makes incitement to riot a felony if someone is harmed, with a penalty of 10 years and \$100,000. § 22–1322. Rioting or inciting to riot. *See also* N.C. Gen. Stat. 14.288.2 (North Carolina Law making it a class D felony with a penalty of 204 months *only for* incitement to riot and only if the riot causes death).

⁴ MCL 752.541.

⁵ *See, e.g.*, Al. Code §13A-11-3 (Alabama law defining a riot as engaging with five or more others and “causes or creates a grave risk of public terror or alarm” with a penalty of 1 year and \$6,000).

⁶ *See generally*, *People v Lockridge*, 498 Mich 358 (2015).

⁷ MCL 752.542.

⁸ MCL 750.81a.

⁹ MCL 750.136b.

Domestic violence of the third offense, meaning an individual must have been *convicted* two times prior, this being the third conviction of assault or assault and battery, on a domestic partner as described by statute, only carries a *maximum penalty of up to five years in prison*, and/or a \$5,000 fine.¹⁰ Domestic violence against a pregnant person is only a *one year misdemeanor maximum* and/or a \$1,000 fine.¹¹ Which is to say, assault a pregnant woman domestic partner- no possibility of prison time; commit acts deemed a “riot”- *mandatory five years in prison, maximum of life*. Even assault with intent to do great bodily harm only carries a maximum penalty of *up to ten years in prison*- no mandatory minimum.¹²

If the comparison is not yet clear, in the State of Michigan, where you are guilty of intentionally killing or torturing a companion animal, the *statutory maximum is ten years in prison*, and or \$5,000¹³. Committing the crime of cruelty against 4 to 10 animals is a crime with a penalty of *two year maximum*, \$2,000, or up to 300 hours of community service.¹⁴ This crime includes criminalization of the act of allowing 4 to 10 animals “to suffer unnecessary neglect, torture, or pain.”¹⁵

Clearly, the penalty is not only too high for the crime itself, but also too high compared to other Michigan crimes. Michiganders deserve a sentencing system that makes sense, and they also deserve one that is fair. Certainly, there is a distinction between lawful protest and rioting, but there can be no argument that these crimes are not connected or at least related. As raised above, marginalized communities rely upon their ability to lawfully protest in order to make headway in our fight for equality. The LGBTQ+ Law Section asserts that to further increase this penalty given its already disproportionate nature, can only be meant to serve one purpose; to threaten and intimidate those who seek to lawfully gather to exercise their constitutional rights. This attempt should not be supported.

II. The penalty change follows a disturbing trend of using archaic laws to further a political agenda and could be used to infringe on Michiganders’ constitutional rights.

As a final few thoughts for the Public Policy Committee, Board of Commissioners, and thus the State Bar to consider is that this proposed change is one step in a line of actions meant to silence dissenters. This is not what Michigan, or the State Bar of Michigan should stand for, or idly stand by and not act on either. Vague and obscure statutes are often only utilized to stifle productive, democratic discussion.¹⁶ Vague laws with harsh penalties open the door for political abuse, and the criminal law should never be used to further one side’s political agenda.¹⁷

¹⁰ MCL 750.81(5).

¹¹ MCL 750.81(4).

¹² MCL 750.84.

¹³ MCL 750.50b(3).

¹⁴ MCL 750.50(4)(c).

¹⁵ MCL 750.50(4)(c)(f).

¹⁶ <https://adoptaninmate.org/civics-101-when-obscure-laws-are-used-to-silence-dissent/>

¹⁷ <https://www.ucdavis.edu/news/law-should-protect-dissent-within-cultural-groups>

Lastly, consider the penalty change risks infringing on our citizens First and Fourteenth Amendment rights. While it is true that courts do not take a penalty-sensitive approach to the First Amendment,¹⁸ it is still deeply concerning that during a time of anxiety about government abuse of power and civil liberties, that our legislators would risk the freedom of its citizens who dare to speak out in such a seemingly arbitrary way. Imagine threatening individuals that even if they are present at a protest and a bad actor incites a riot, if you do not leave, you too could be prosecuted and potentially face a disproportionate penalty.

The LGBTQ+ Law Section asks the State Bar of Michigan to stand in opposition to HB 5908.

To conclude, there are no justifiable reasons to increase the penalty for these crimes which are so closely related to protest. The penalty for these crimes is already relatively high compared to other states with similar laws. This, coupled with the fact that other more violent crimes in Michigan- which require the element of injury or more particularized bodily harm to another- carry a lesser penalty, and thus demonstrate the absurdity of this bill. Moreover, it is not without precedent for a governmental body to change laws, and the enforcement thereof, to be weaponized against certain communities in a push for a particular political agenda. This is evident across the United States and is not the appropriate use of the legal system anywhere. As a result, whether intended or not, to demand such a steep penalty for crimes that are so closely connected to the lawful activity of exercising one's First Amendment rights, the message received by Michigan communities would be clear. This is a veiled threat seeking to deter individuals who rely upon the exercise of their rights to gather, protest, and exercise free speech in their necessary and lawful fight for equality.

The State Bar of Michigan should stand in opposition to this proposed legislation, and the LGBTQ+ Law Section encourages it to do so.

¹⁸ Michael Coenen, Of Speech And Sanctions: Toward A Penalty Sensitive Approach To The First Amendment, 112 C.L.R. 991 (2012).

To: Members of the Public Policy Committee
Board of Commissioners

From: Nathan A. Triplett, Director of Governmental Relations

Date: June 4, 2026 ****Updated****

Re: SB 909 – Wrongful Imprisonment Compensation Act Amendments

Background

Michigan’s Wrongful Imprisonment Compensation Act (“WICA”) was signed into law in 2016. Since that time, at least six cases concerning the interpretation and application of the statute have reached the Michigan Supreme Court. In the last legislative session, 2024 HB 5431 was developed in collaboration with the Cooley Law School Innocence Project to clarify the statutory text of WICA and align it with the Court’s holdings, as well as to address areas of confusion or ambiguity raised by the justices in these cases. The bill also included other reforms identified by its proponents after reviewing the state’s experience implementing WICA.

The Board of Commissioners voted to support 2024 HB 5431. The bill was approved by the House by a vote of 56-52. It was referred to the Senate Government Operations Committee, but was never reported to the full Senate and died at the end of the last session. It was reintroduced in the current session as Senate Bill 909 in April 2026 and referred to the Senate Civil Rights, Judiciary & Public Safety. SB 909 has been referred for further consideration by the Board of Commissioners, because it includes two substantive changes that make it distinct from 2024 HB 5431:

Insulating Counties from Federal Court Actions. SB 909 adds a definition of the term “municipality” in Sec. 2(b) to mean “a municipal corporation organized or existing under the laws of this state, including a home rule city, statutory city, village, or township.” The new language further provides that “[m]unicipality includes an agency or department of the municipality and an officer of the municipal corporation acting in an official capacity,” but does not include “a county, an agency or department of a county, or a county official acting in an official capacity.” When a plaintiff accepts a WICA award (or a compromise or settlement of a WICA claim), that acceptance is “final and conclusive” on the plaintiff. Under current law, acceptance also operates as a complete release of all claims against the state and a bar to any action in state court by the plaintiff against the state based on the subject matter of the WICA claim. Both last session’s legislation and SB 909 strike “constitutes a complete release of all claims against this state” from WICA. Last session’s legislation would have permitted a federal court actions against a “political subdivision” alleged to have been involved in the investigation, prosecution, or conviction that gave rise to the wrongful conviction or imprisonment. SB 909 strikes “political subdivision” and replaces it with “municipality,” which has the effect of insulating counties from federal court actions arising out of WICA claims. This language was added based on concerns raised by the Conviction Integrity Unit of the Wayne County Prosecutor’s Office.

Award of Annuity. SB 909 adds a new (d) in Sec. 5(4), which requires, subject to certain exceptions, that if a court finds that a plaintiff was wrongfully convicted and imprisoned, the court shall award standard annuity payments to compensate the plaintiff for each year the plaintiff was imprisoned, including time served in pretrial detention. The new subsection also outlines requirements applicable to the annuity payments.

UPDATE: The Senate Civil Rights, Judiciary & Public Safety Committee voted to report Senate Bill 909 favorably with a substitute (S-1) by a vote of 4-1 (two members were absent from the meeting). The substitute amends only Sec. 7(3). As introduced, this new section would have allowed an individual to bring a claim within 18 months after the effective date of the bill if the individual can show that they qualify for an award based on a reversal or vacation of a judgment of conviction based on insufficient evidence supporting the conviction (and the plaintiff did not perpetrate the crime and was not an accomplice or accessory to the acts that were the basis of the conviction). Sec. 5(1)(c)(iii). The substitute would also allow an 18 month lookback if new evidence was presented to the court that reversed or vacated the plaintiff's conviction, but relief was granted on another basis, and the new evidence demonstrates that the plaintiff did not perpetrate the crime and was not an accomplice or accessory to the acts that were the basis of the conviction. Sec. 5(1)(c)(iii). The bill is now awaiting action by the full Senate.

***Keller* Considerations**

SB 909 is, in large part, a reintroduction of 2024 HB 5431. The Board of Commissioners determined that HB 5431 was reasonably related to both improvement in functioning of the courts and availability of legal services to society and therefore *Keller*-permissible. The Board was provided, in relevant part, with the following *Keller* considerations in 2024 before reaching this determination:

Some provisions of HB 5431 are reasonably related to access to legal services. For example, making awards of reasonable attorney fees more readily availing in WICA proceedings is reasonably related to access to legal services. HB 5431 also has numerous provisions that are reasonably related to the functioning of the courts. As noted above, for example, WICA provides little procedural guidance about how either the attorney general or the prosecuting attorney are to be involved in these proceedings. HB 5431 provides procedural clarity to both the bench and bar, as well as to exonerees, about this involvement. The permissible timeline for filing an answer or other pleading is a quintessential example of a public policy related to court functioning. Furthermore, HB 5431 also has the potential to provide greater clarity to the law by updating the statutory text to reflect several Michigan Supreme Court holdings interpreting WICA (or in some cases posing questions to the Legislature about its intent). The Board of Commissioners has repeatedly determined in both the legislative and court rule context that it is both desirable and *Keller*-permissible to align divergent/conflicting sources of legal authority concerning an area of law or particular procedure. Court functioning is poorly served when attorneys, judges, and plaintiffs are required to consult multiple sources of authority to ascertain the meaning of a statute. Such is the case with WICA today. One might argue that had some of these questions been raised in the first instance by the Legislature as a bill, that the policy question would have been too removed from court functioning to satisfy *Keller*. But that is not the circumstance presented by HB 5431. Instead, in several key provisions, the bill aims to harmonize statute and case law.

In some areas that have not yet come before the Court, the bill also aims to improve court functioning by clarifying the scope of judicial authority. For example, making it explicit that a

judge may approve an order of expungement based on the stipulation of the parties without an award of compensation. Even the bill's provision changing the plaintiff's burden of proof in a WICA action serves a purpose that is reasonably related to the functioning of the courts: promoting greater procedural consistency across civil actions by applying the same burden.

Keller Quick Guide

THE TWO PERMISSIBLE SUBJECT-AREAS UNDER KELLER:

<i>As interpreted by AO 2004-1</i>	Regulation of Legal Profession	Improvement in Quality of Legal Services
	Regulation and discipline of attorneys	✓ Improvement in functioning of the courts
	Ethics	✓ Availability of legal services to society
	Lawyer competency	
	Integrity of the Legal Profession	
	Regulation of attorney trust accounts	

Staff Recommendation

SB 909 is reasonably related to both improvement in functioning of the courts and availability of legal services to society. As such, the bill is *Keller*-permissible and may be considered on its merits.

**SUBSTITUTE FOR
SENATE BILL NO. 909**

A bill to amend 2016 PA 343, entitled
"Wrongful imprisonment compensation act,"
by amending sections 2, 4, 5, and 7 (MCL 691.1752, 691.1754,
691.1755, and 691.1757), section 7 as amended by 2020 PA 43.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Charges" means the criminal complaint filed against the
3 plaintiff by a county prosecutor or the attorney general on behalf
4 of the people of this state that resulted in the conviction and
5 imprisonment of the plaintiff that are the subject of the claim for
6 compensation under this act.

7 (b) "Municipality" means a municipal corporation organized or
8 existing under the laws of this state, including a home rule city,



1 statutory city, village, or township. Municipality includes an
2 agency or department of the municipality and an officer of the
3 municipal corporation acting in an official capacity. Municipality
4 does not include a county, an agency or department of a county, or
5 a county official acting in an official capacity.

6 (c) ~~(b)~~—"New evidence" means any evidence that was not
7 presented ~~in the proceedings leading to plaintiff's conviction, to~~
8 **a trier of fact during a proceeding that determined guilt,**
9 including new testimony, expert interpretation, the results of DNA
10 testing, or other test results relating to evidence that was
11 presented ~~in the proceedings leading to plaintiff's conviction. to~~
12 **a trier of fact when guilt was decided.** New evidence does not
13 include a recantation by a witness unless there is other evidence
14 to support the recantation or unless the prosecuting attorney for
15 the county in which the plaintiff was convicted or, if the
16 department of attorney general prosecuted the case, the attorney
17 general agrees that the recantation constitutes new evidence
18 without other evidence to support the recantation.

19 (d) ~~(e)~~—"Plaintiff" means the individual making a claim for
20 compensation under this act. **Plaintiff includes a trustee or**
21 **conservator for that individual if the individual is not competent**
22 **to act as plaintiff.** Plaintiff does not include the estate of ~~an~~
23 **deceased** individual entitled to make a claim for compensation under
24 this act, the personal representative of the estate, or any heir,
25 devisee, beneficiary, or other person who is entitled under other
26 law to pursue a claim for damages, injury, or death suffered by the
27 individual.

28 (e) ~~(d)~~—"State correctional facility" means a correctional
29 facility maintained and operated by the department of corrections.



1 (f) ~~(e)~~ "This **For the purpose of state court actions related**
2 **to this act,** "this state" means the state of Michigan and its
3 political subdivisions, and the agencies, departments, commissions,
4 and courts of this state and its political subdivisions.

5 Sec. 4. (1) In an action under this act, the plaintiff shall
6 attach to his or her verified complaint documentation that
7 establishes ~~all of the following:~~

8 ~~(a) The plaintiff was convicted of 1 or more crimes under the~~
9 ~~law of this state, was sentenced to a term of imprisonment in a~~
10 ~~state correctional facility for the crime or crimes, and served at~~
11 ~~least part of the sentence.~~

12 ~~(b) The plaintiff's judgment of conviction was reversed or~~
13 ~~vacated and either the charges were dismissed or on retrial the~~
14 ~~plaintiff was found to be not guilty.~~

15 ~~(c) New evidence demonstrates that the plaintiff was not the~~
16 ~~perpetrator of the crime or crimes and was not an accessory or~~
17 ~~accomplice to the acts that were the basis of the conviction and~~
18 ~~resulted in a reversal or vacation of the judgment of conviction,~~
19 ~~dismissal of the charges, finding of not guilty, or gubernatorial~~
20 ~~pardon.~~ **the facts that the plaintiff alleges entitle the plaintiff**
21 **to judgment under section 5.**

22 (2) A complaint filed under this section must be verified by
23 the plaintiff.

24 (3) A copy of a complaint filed under this section must be
25 served on the attorney general and on the prosecuting attorney for
26 the county in which the plaintiff was convicted. The attorney
27 general and the prosecuting attorney may answer and contest the
28 complaint. **The prosecuting attorney shall file an appearance within**
29 **60 days if the prosecuting attorney wishes to participate further**



1 in the action.

2 (4) An answer to a complaint filed under this section may be
3 served and filed not later than 60 days after service of the
4 complaint, with the opportunity to request additional time
5 extensions if there is a showing of good cause, in order for the
6 attorney general to determine whether compensation under this act
7 is appropriate before formal discovery begins.

8 (5) ~~(4)~~—If the plaintiff's conviction was for an assaultive
9 crime or a serious misdemeanor, the prosecuting attorney shall
10 notify the victim of the assaultive crime or serious misdemeanor of
11 the application in the same manner as is required for an
12 application to have a conviction set aside under section 22a or 77a
13 of the William Van Regenmorter crime victim's rights act, 1985 PA
14 87, MCL 780.772a and 780.827a. The prosecuting attorney shall give
15 the victim notice under this subsection by first-class mail sent to
16 the victim's last known address. The victim or victim's
17 representative has the right to appear at any proceeding under this
18 act concerning the complaint and to make a written or oral
19 statement.

20 (6) ~~(5)~~—The plaintiff, the attorney general, and the
21 prosecuting attorney for the county in which the plaintiff was
22 convicted may conduct discovery in an action under this act.
23 **Discovery must not be conducted before the attorney general files**
24 **an answer.**

25 Sec. 5. (1) In an action under this act, the plaintiff is
26 entitled to judgment in the plaintiff's favor if the plaintiff
27 proves all of the following by ~~clear and convincing~~ **a preponderance**
28 **of the evidence:**

29 (a) The plaintiff was convicted of 1 or more crimes under the



1 law of this state, was sentenced to a term of imprisonment in a
2 state correctional facility for the crime or crimes, and served at
3 least part of the sentence, **or was committed to a residential**
4 **mental health facility in relation to the conviction.**

5 (b) One of the following:

6 (i) The plaintiff's judgment of conviction was reversed or
7 vacated and either the charges were dismissed or the plaintiff was
8 determined on retrial to be not guilty. However, the plaintiff is
9 not entitled to compensation under this act if the plaintiff was
10 convicted of another criminal offense arising from the same
11 transaction and either that offense was not dismissed or the
12 plaintiff was convicted of that offense on retrial.

13 (ii) The plaintiff received a gubernatorial pardon on the basis
14 of actual innocence for the crime for which the plaintiff was
15 incarcerated.

16 (c) One of the following:

17 (i) New evidence demonstrates that the plaintiff did not
18 perpetrate the crime and was not an accomplice or accessory to the
19 acts that were the basis of the conviction, ~~results and the new~~
20 **evidence either resulted** in the reversal or vacation of the charges
21 in the judgment of conviction or **resulted in** a gubernatorial pardon
22 ~~, and results in either dismissal of all of the charges or a~~
23 ~~finding of not guilty on all of the charges on retrial.~~ **for the**
24 **crime for which the plaintiff was incarcerated.**

25 (ii) The reversal or vacation of the judgment of conviction was
26 on the basis of insufficient evidence supporting the conviction,
27 and the plaintiff did not perpetrate the crime and was not an
28 accomplice or accessory to the acts that were the basis of the
29 conviction.

1 (iii) New evidence was presented to the court that reversed or
2 vacated the plaintiff's conviction, but relief was granted on
3 another basis, and the new evidence demonstrates that the plaintiff
4 did not perpetrate the crime and was not an accomplice or accessory
5 to the acts that were the basis of the conviction.

6 (2) In determining whether the plaintiff has met his or her
7 burden under subsection (1) at any stage of the proceedings,
8 including at trial, the court may consider the following:

9 (a) The entire record of the plaintiff's criminal case, which
10 includes the lower court records, the plea or trial transcripts,
11 the appellate record, and the record of any postconviction
12 proceedings.

13 (b) Evidence that was seized or obtained in violation of the
14 Fourth Amendment of the United States Constitution or section 11 of
15 article I of the state constitution of 1963.

16 (3) In exercising its discretion regarding the weight and
17 credibility of the evidence presented by the parties, the court
18 shall give due consideration to the difficulties of proof caused by
19 the passage of time, the loss or destruction of evidence, the death
20 or unavailability of witnesses, and other factors not caused by the
21 parties. The court shall not find a witness incredible who
22 testified at the plaintiff's criminal trial or in post-trial
23 proceedings based solely on the fact that the witness is not
24 testifying at the trial held on the plaintiff's claim under this
25 act.

26 (4) ~~(2)~~ Subject to subsections ~~(4)~~ and ~~(5)~~, **(6) and (7)**, if a
27 court finds that a plaintiff was wrongfully convicted and
28 imprisoned, the court shall award compensation as follows:

29 (a) Fifty thousand dollars for each year, ~~from the date~~



1 prorated as provided in this subdivision as appropriate, the
 2 plaintiff was imprisoned, ~~until the date the plaintiff was released~~
 3 ~~from prison, including time served in pretrial detention,~~
 4 regardless of whether the plaintiff was released from imprisonment
 5 on parole or because the maximum sentence was served. For
 6 incarceration of less than a year in prison, this amount is
 7 prorated to 1/365 of \$50,000.00 for every day the plaintiff was
 8 incarcerated. ~~in prison.~~

9 (b) Reimbursement of any amount awarded and collected by this
 10 state under the state correctional facility reimbursement act, 1935
 11 PA 253, MCL 800.401 to 800.406.

12 (c) Reasonable attorney fees incurred in an action under this
 13 act. ~~All~~ Both of the following apply to attorney fees under this
 14 act:

15 ~~(i) The court shall not award attorney fees unless the~~
 16 ~~plaintiff has actually paid the amount awarded to the attorney.~~

17 ~~(ii) It is not necessary that the plaintiff pay the attorney~~
 18 ~~fees before an initial award under this act. The court may award~~
 19 ~~attorney fees on a motion brought after the initial award.~~

20 (i) ~~(iii)~~ The attorney fees must not exceed 10% of the total
 21 amount awarded under subdivisions (a) and (b) or \$50,000.00,
 22 whichever is less, plus expenses.

23 (ii) ~~(iv)~~ An award of attorney fees under this act may not be
 24 deducted from the compensation awarded the plaintiff, and the
 25 plaintiff's attorney is not entitled to receive additional fees
 26 from the plaintiff.

27 (d) Standard annuity payments to compensate the plaintiff an
 28 additional \$50,000.00 for each year the plaintiff was imprisoned,
 29 including time served in pretrial detention, prorated in the same

1 way as described in subdivision (a). All of the following apply to
2 annuity payments under this subdivision:

3 (i) The annuity payments must be payable in equal monthly
4 installments for the length of time the plaintiff was imprisoned,
5 including time served in pretrial detention.

6 (ii) The annuity payments must be based on a 5% per annum
7 interest rate and other actuarial factors within the discretion of
8 the department of treasury.

9 (iii) The annuity payments may not be accelerated, deferred,
10 increased, or decreased.

11 (iv) The plaintiff may not sell, mortgage, or otherwise
12 encumber or anticipate the payments, wholly or partly, by
13 assignment or otherwise.

14 (5) ~~(3)~~—An award under subsection ~~(2)~~ (4) is not subject to a
15 limit on the amount of damages except as stated in this act.

16 (6) ~~(4)~~—Compensation may not be awarded under subsection ~~(2)~~
17 (4) for any time during which the plaintiff was imprisoned under a
18 concurrent or consecutive sentence for another conviction, whether
19 running before or after the sentence on the conviction that is the
20 basis of the claim. If the plaintiff was on parole for a prior
21 offense at the time of the wrongful conviction and parole was
22 revoked solely on the basis of the wrongful conviction, any
23 concurrent or consecutive sentence relating to the prior offense is
24 not covered by this subsection.

25 (7) ~~(5)~~—Compensation may not be awarded under subsection ~~(2)~~
26 (4) for any injuries sustained by the plaintiff while imprisoned.
27 The making of a claim or receipt of compensation under this act
28 does not preclude a claim or action for compensation because of
29 injuries sustained by the plaintiff while imprisoned.



(8) ~~(6)~~—In the discretion of the court, the total amount awarded under subsection ~~(2)(a)~~ **(4) (a)** and (b) may be paid to the plaintiff in a single payment or in multiple payments. If the court orders the compensation to be paid in multiple payments, the initial payment must be 20% of the total amount awarded or more and the remainder of the payments must be made over not more than 10 years.

(9) ~~(7)~~—An award of compensation, **or a compromise or settlement of a claim**, under this act is not a finding of wrongdoing against anyone. ~~An~~ **The granting or denial of a claim for an award of compensation, or a compromise or settlement of a claim**, under this act is not admissible in evidence in a civil action that is related to the investigation, prosecution, or conviction that gave rise to the wrongful conviction or imprisonment.

(10) ~~(8)~~—The acceptance by the plaintiff of an award under this act, or of a compromise or settlement of the claim, must be in writing and, unless it is procured by fraud, is final and conclusive on the plaintiff ~~, constitutes a complete release of all claims against this state,~~ and is a complete bar to any action in state court by the plaintiff against this state based on the same subject matter. However, the acceptance by the plaintiff of an award under this act, or of a compromise or settlement of the plaintiff's claim, does not operate as a waiver of, or bar to, any action **and recovery** in federal court against ~~an~~ **a municipality or** individual alleged to have been involved in the investigation, prosecution, or conviction that gave rise to the wrongful conviction or imprisonment.

(11) ~~(9)~~—A compensation award under subsection ~~(2)~~ **(4)**, **or compensation under a compromise or settlement of a claim under this**

1 **act**, may not be offset by any of the following:

2 (a) Expenses incurred by this state or any political
3 subdivision of this state, including, but not limited to, expenses
4 incurred to secure the plaintiff's custody or to feed, clothe, or
5 provide medical services for the plaintiff while imprisoned,
6 including expenses required to be collected under the state
7 correctional facility reimbursement act, 1935 PA 253, MCL 800.401
8 to 800.406. The attorney general is specifically excused from
9 complying with the state correctional facility reimbursement act,
10 1935 PA 253, MCL 800.401 to 800.406.

11 (b) The value of any services awarded to the plaintiff under
12 this section.

13 (c) The value of any reduction in fees for services awarded to
14 the plaintiff under this act.

15 **(12) ~~(10)~~—An award under subsection ~~(2)~~—(4), or compensation**
16 **under a compromise or settlement of a claim under this act, is not**
17 **subject to income taxes.**

18 **(13) ~~(11)~~—A compensation award, or compensation under a**
19 **compromise or settlement of a claim, under this act is subject to**
20 **the payment of child support, including child support arrearages,**
21 **owed by the plaintiff. The plaintiff remains liable for any child**
22 **support or arrearage under the office of child support act, 1971 PA**
23 **174, MCL 400.231 to 400.240, and the support and parenting time**
24 **enforcement act, 1982 PA 295, MCL 552.601 to 552.650, except for**
25 **any child support or arrearage that erroneously accrued while the**
26 **plaintiff was imprisoned. Child support must be deducted from an**
27 **award, or compensation under a compromise or settlement of a claim,**
28 **under this act before the plaintiff receives any of the money from**
29 **the award, compromise, or settlement. This subsection does not**



1 affect any ongoing child support obligation of the plaintiff.

2 **(14) ~~(12)~~**—This act does not impair or limit the right of a
3 state or local government to collect a debt of a plaintiff from the
4 plaintiff's award of compensation, **or compensation under a**
5 **compromise or settlement of a claim**, under this act.

6 **(15) ~~(13)~~**—An award of compensation, **or compensation under a**
7 **compromise or settlement of a claim**, under this act is subject to
8 setoff or reimbursement for damages **received directly by the**
9 **plaintiff that were** obtained for the wrongful conviction or
10 imprisonment from any other person **or political subdivision, after**
11 **the damage award is reduced for attorney fees.**

12 **(16) ~~(14)~~**—If a court determines that a plaintiff was
13 wrongfully convicted and imprisoned, the court shall enter an order
14 that provides that any record of the arrest, fingerprints,
15 conviction, and sentence of the plaintiff related to the wrongful
16 conviction be expunged from the criminal history record. **The**
17 **parties may stipulate to the entry of an order under this**
18 **subsection without an award of compensation under subsection (4) (a)**
19 **and (d).** A document that is the subject of an order entered under
20 this subsection is exempt from disclosure under the freedom of
21 information act, 1976 PA 442, MCL 15.231 to 15.246.

22 Sec. 7. (1) An action for compensation under this act must be
23 commenced within 3 years after **the** entry of a verdict, order, ~~or~~
24 judgment, **or pardon** as the result of an event described in section
25 ~~4(1) (b).~~ **5(1) (b).** Any action by this state challenging or appealing
26 a verdict, order, or judgment entered as the result of an event
27 described in section ~~4(1) (b).~~ **5(1) (b)** tolls the 3-year period.

28 (2) An individual convicted, imprisoned, and released from
29 custody before March 29, 2017 must commence an action under this



1 ~~act within 18 months after the effective date of the 2020~~
2 ~~amendatory act that amended this section before September 3, 2021.~~

3 (3) An individual may, irrespective of any other provision of
4 this act, bring a claim within 18 months after the effective date
5 of the amendatory act that added this subsection, if the individual
6 can show that he or she qualifies for an award as a result of
7 section 5(1)(c)(ii) or (iii).

**Public Policy Position
SB 0909**

Support

Explanation

The Committee voted unanimously to support Senate Bill 909. The State Bar of Michigan supported the previous iteration of this legislation in the prior legislative session (2024 HB 5431). The two substantive changes to the bill as reintroduced this session do not warrant a change in position.

Position Vote:

Voted For position: 12

Voted against position: 0

Abstained from vote: 0

Did not vote (absence): 9

Keller-Permissibility Explanation

The SBM Board of Commissioners determined that the prior iteration of SB 909 (2024 HB 5431) was reasonably related to both improvement in functioning of the courts and availability of legal services to society and therefore *Keller*-permissible. The Committee likewise concluded that this session's bill is *Keller*-permissible on this basis.

Contact Persons:

Garrett Burton

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Mira Edmonds

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Public Policy Position
SB 0909**Support****Explanation**

The Committee voted to support Senate Bill 909. The bill was developed in collaboration with the Cooley Law School Innocence Project in large part to clarify the statutory text of WICA and align it with several Michigan Supreme Court holdings, as well as to address areas of confusion or ambiguity raised by the justices in these cases. The bill also makes other reforms identified by its proponents after reviewing the state's experience with WICA to date. The State Bar of Michigan supported the previous iteration of this legislation in the prior legislative session (2024 HB 5431). The Committee concluded that the two substantive changes to the bill as reintroduced this session do not warrant a change in SBM's position of support.

Position Vote:

Voted For position: 12

Voted against position: 1

Abstained from vote: 0

Did not vote (absence): 9

Keller-Permissibility Explanation

The SBM Board of Commissioners determined that the prior iteration of SB 909 (2024 HB 5431) was reasonably related to both improvement in functioning of the courts and availability of legal services to society and therefore *Keller*-permissible. The Committee likewise concluded that this session's bill is *Keller*-permissible on this basis by a vote of 12 to 1.

Contact Persons:

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**Public Policy Position
SB 0909**

Oppose

Explanation

The Committee opposes SB 909 based only on the addition of language excluding counties from the definition of "municipality." This change would insulate counties from certain federal court actions arising from wrongful conviction and imprisonment claims, limiting potential avenues of relief for wrongfully imprisoned individuals.

Position Vote:

Voted For position: 12

Voted against position: 3

Abstained from vote: 0

Did not vote (absence): 5

Keller-Permissible Explanation:

SB 909 is reasonably related to both improvement in functioning of the courts and availability of legal services to society and therefore *Keller*-permissible.

Contact Person:

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Senate Bill 909 (Substitute S-1)
Sponsor: Senator Stephanie Chang
Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 6-4-26

INTRODUCTION

The bill would modify how a plaintiff files a complaint for a judgment of wrongful imprisonment and claim for compensation. It would require the plaintiff to establish that new evidence would prove that the plaintiff did not commit or assist in the crime or that the plaintiff's conviction was overturned due to insufficient evidence. It also would allow a plaintiff who received a gubernatorial pardon based on actual innocence to receive wrongful imprisonment compensation upon establishing the information above.

In court considerations of complaints, the bill would allow a court to review a plaintiff's entire criminal case record, as well as evidence obtained unconstitutionally, in making its determination. The bill also would change a plaintiff's burden of proof from clear and convincing to a preponderance of evidence. The bill would allow for compensation for time spent in pretrial detention and provide for an award based on compromise or a settlement of a claim. Additionally, the bill would allow for compensation in standard annuity payments up to an additional \$50,000 a year for each year of imprisonment, including pretrial detention time. Finally, the bill would allow an individual to file a claim for wrongful imprisonment within 18 months of its effective date, even if other deadlines had passed, provided that the individual qualified based on new evidence or a reversal of a conviction due to lack of evidence or in an instance where new evidence was presented but the person's conviction was overturned on another basis.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is a similar reintroduction to Senate Bill 997 of the 2023-2024 Legislative Session. Senate Bill 997 was reported from the Senate Committee on Civil Rights, Judiciary, and Public Safety but received no further action.

BRIEF FISCAL IMPACT

The bill would expand the circumstances under which the wrongfully convicted could collect compensation under the Act to an indeterminate degree. State costs would be increased to an indeterminate degree.

MCL 691.1752 et al.

Legislative Analyst: Eleni Lionas
Fiscal Analyst: Joe Carrasco, Jr.
Cory Savino, PhD
Michael Siracuse

CONTENT

The bill would amend the Wrongful Imprisonment Compensation Act (WICA) to do the following:

- Modify the documentation a plaintiff must provide to bring an action for compensation for wrongful imprisonment.**
- Require the plaintiff to establish in a complaint that new evidence would demonstrate that the plaintiff did not commit or assist in a crime, that the conviction was reversed due to lack of evidence, or that new evidence overturned the conviction but relief was granted for another reason.**
- Allow the court to consider a plaintiff's entire criminal case record, including evidence unconstitutionally obtained, when determining if the plaintiff had been wrongfully convicted.**
- Require the court to consider the difficulties of proof caused by the passage of time, loss of evidence, and unavailability of witnesses in an action under the Act.**
- Allow an answer to a complaint to be served and filed within 60 days after service, with opportunity for additional time for the Attorney General to determine if compensation were appropriate before formal discovery began.**
- Lower a plaintiff's burden of proof from clear and convincing evidence to a preponderance of the evidence.**
- Require the amount awarded for compensation to include time served in pretrial detention.**
- Delete a provision allowing a court to award attorney fees only after the plaintiff paid the amount awarded to the attorney.**
- Allow a court to award compensation through standard annuity payments up to an additional \$50,000 a year for each year of imprisonment, including pretrial detention time.**
- Delete a provision specifying that a plaintiff's acceptance of an award of compensation constitutes a complete release of claims against the State.**
- Apply provisions governing current awards of compensation to a compromise or settlement of a claim.**
- Allow an individual to bring a claim under the Act within 18 months of the bill's effective date, so long as the individual would qualify for an award as a result of the reversal or vacation of a judgement of conviction based on insufficient evidence supporting the conviction or in an instance where new evidence was presented but the person's conviction was overturned on another basis.**

Complaint of Wrongful Imprisonment

Generally, WICA allows a plaintiff to bring an action for compensation against the State in the Court of Claims if the plaintiff has been wrongfully convicted of a crime under State law and imprisoned in a State correctional facility for a crime he or she did not commit.

The plaintiff must verify and attach to the plaintiff's complaint documentation that establishes all the following:

- The plaintiff was convicted of one or more crimes under State law, was sentenced to a term of imprisonment in a State correctional facility and served at least part of that sentence.**
- The plaintiff's judgment of conviction was reversed or vacated and either the charges were dismissed, or, on retrial, the plaintiff was found to be not guilty.**

- New evidence demonstrates that the plaintiff was not the perpetrator of the crime and was not an accessory or accomplice to the acts that were the basis of the conviction, and results in a reversal or vacation of the conviction, dismissal of the charges, finding of not guilty, or gubernatorial pardon.

"New evidence" means any evidence that was not *presented in the proceeding leading to plaintiff's conviction*, including new testimony, expert interpretation, the results of DNA testing, or other test results relating to evidence that was presented *in the proceedings leading to the plaintiff's conviction*. Instead, under the bill, the term would mean any evidence that was not presented *to a trier of fact during a proceeding that determined guilt* including new testimony, expert interpretation, the results of DNA testing, or other test results relating to evidence that was presented *to a trier of fact during a proceeding that determined guilt*.

The bill would delete the documentation requirements described above, and instead, the plaintiff would have to verify and attach to the complaint documentation that established the following facts that the plaintiff alleged to entitle the plaintiff to a favorable judgment:

- The plaintiff was convicted of at least one crime under State law, was sentenced to a term of imprisonment in a State correctional facility for the crime or crimes and served at least part of the sentence or was committed to a residential mental health facility in relation to the conviction.
- The plaintiff's judgment of conviction was reversed or vacated and either the charges were dismissed or on retrial the plaintiff was found to be not guilty or the plaintiff received a gubernatorial pardon on the basis of actual innocence for the crime for which the plaintiff was incarcerated.

Additionally, the verified complaint document would have to establish one of the following:

- New evidence demonstrated that the plaintiff did not perpetrate the crime and was not an accomplice or accessory to the acts that were the basis of the conviction and the new evidence either resulted in the reversal or vacation of the charges in the judgement of conviction or resulted in a gubernatorial pardon for the crime for which the plaintiff was incarcerated.
- The reversal or vacation of the judgement of conviction was based on insufficient evidence supporting the conviction, and the plaintiff did not perpetrate the crime and was not an accomplice or accessory to the acts that were the basis of the conviction.
- New evidence was presented to the court that reversed or vacated the plaintiff's conviction, but relief was granted on another basis, and the new evidence demonstrated that the plaintiff did not perpetrate the crime and was not an accomplice or accessory to the acts that were the basis of the conviction.

"Plaintiff" means the individual making a claim for compensation under the Act. The bill specifies that the term also would include a trustee or conservator for that individual if the individual were not competent to act as plaintiff. The Act specifies that the term does not include the estate if an individual entitled to make a claim for compensation under the Act, the personal representative of the estate, or any heir, devisee, beneficiary, or other person who is entitled under law to pursue a claim for damages, injury, or death suffered by the individual. The bill specifies that the term would not include the estate of a *deceased* individual.

Currently, a plaintiff is entitled to judgment in the plaintiff's favor if the plaintiff proves the information generally required in the complaint documentation described above by clear and convincing evidence. The bill would lower the burden of proof to a *preponderance of evidence*.

Court Consideration and Procedure

The bill specifies that the court could consider any of the following in determining whether the plaintiff had met the burden of proof described above to be entitled to favorable judgment:

- The entire record of the plaintiff's criminal case, including the lower court records, the plea trial transcripts, the appellate record, and the record of any postconviction proceedings.
- Evidence seized or obtained in violation of the Fourth Amendment of the United States Constitution or Section 11 of Article I of the State Constitution of 1963, which both generally protect individuals from unreasonable search and seizure.

A court would have to give due consideration to the difficulties of proof caused by the passage of time, the loss or destruction of evidence, the death or unavailability of witnesses, and other factors not caused by the parties when exercising its discretion regarding the weight of credibility of the presented evidence. The court could not find a witness incredible who testified at the plaintiff's criminal trial or in post-trial proceedings based solely on the fact that the witness was not testifying at the trial for the plaintiff's claim of wrongful imprisonment.

Under WICA, a copy of a complaint must be served on the Attorney General and on the prosecuting attorney for the county in which the plaintiff was convicted. The Attorney General and the prosecuting attorney may answer and contest the complaint. Under the bill, if the prosecuting attorney wished to participate further in the action, the prosecuting attorney would have to file an appearance within 60 days.

Additionally, an answer to a complaint could be served and filed within 60 days after service of the complaint, with the opportunity to request additional time extension if there were a showing of good cause, for the Attorney General to determine if compensation were appropriate before formal discovery began.

The bill would prohibit discovery for an action under WICA from being conducted before the Attorney General filed an answer.

Compensation

Generally, if a court finds that a plaintiff was wrongfully convicted and imprisoned, it must award compensation. The compensation must include \$50,000 for each year from the date the plaintiff was imprisoned until the date the plaintiff was released from prison, regardless of whether the plaintiff was released on parole or because the maximum sentence was served. For incarceration of less than a year in prison, the amount must be prorated to 1/365 of \$50,000 for every day the plaintiff was incarcerated in prison. Under the bill, the period for compensation would include time served in pretrial detention and would have to be prorated as appropriate.

(Generally, the total amount awarded for compensation may be paid to the plaintiff in a single payment or multiple payments where the initial payment must be at least 20% of the total amount awarded and the remainder of the payments must be made over at most 10 years.)

Among other things, the compensation also must include reasonable attorney fees incurred in an action under WICA. The attorney fees may not exceed either \$50,000 or 10% of the total amount awarded for compensation for time incarcerated and reimbursement of amounts collected under the State Correctional Facility Reimbursement Act, whichever is less, plus expenses. An award of attorney fees may not be deducted from the compensation awarded the plaintiff, and the plaintiff's attorney is not entitled to receive additional fees from the plaintiff.

Additionally, the court may not award attorney fees unless the plaintiff has actually paid the amount awarded to the attorney and WICA specifies that it is not necessary that the plaintiff pay the attorney fees before an initial award under WICA, and the court may award attorney fees on a motion brought after the initial award. The bill would delete these provisions.

Under the bill, the court also could award standard annuity payments to compensate the plaintiff an additional \$50,000 for each year of imprisonment, including time served in pretrial detention prorated in the same manner as for incarceration of less than a year as described above. All the following would apply to annuity payments:

- The payments would have to be payable in equal monthly installments for the length of time the plaintiff was imprisoned, including time served in pretrial detention.
- The payments would have to be based on a 5% annual interest rate and other actuarial factors within the discretion of the Department of Treasury.
- The payments could not be accelerated, deferred, increased, or decreased.
- The plaintiff could not sell, mortgage, or otherwise encumber or anticipate the payments, wholly or partly, by assignment or otherwise.

The Act specifies that an award under WICA is not subject to income taxes and an award of compensation will be subject to setoff or reimbursement for damages obtained for wrongful conviction or imprisonment from any other person. The bill would specify that an award of compensation, or compensation under a compromise or settlement of a claim would be subject to a setoff or reimbursement for damages received directly by the plaintiff that were obtained for the wrongful conviction or imprisonment from any other person or political subdivision, after the damage of award was reduced for attorney fees.

The Act prohibits compensation from being awarded for any time the plaintiff was imprisoned under a concurrent or consecutive sentence for another conviction. Under the bill, this provision would apply to a concurrent or consecutive sentence whether running before or after the conviction that was the basis of the claim. Additionally, if the plaintiff were on parole for a prior offense at the time of the wrongful conviction and parole was revoked solely on the basis of the wrongful conviction, the provision prohibiting compensation from being awarded for concurrent or consecutive sentences would not apply.

Compromise of Settlement of a Claim

The Wrongful Imprisonment Compensation Act specifies that an award of compensation is not a finding of wrongdoing against anyone, or admissible in evidence in a civil action related to the investigation, prosecution, or conviction that gave rise to the wrongful conviction or imprisonment.

The Act also specifies that a compensation award under the Act may not be offset by expenses incurred by the State or any political subdivision of the State, including expenses incurred to secure the plaintiff's custody or to feed, clothe, or provide medical services for the plaintiff while imprisoned, among other things.

A compensation award under the Act also is subject to the payment of child support owed by the plaintiff, including child support arrearages. The plaintiff remains liable for any child support arrearage under the Office of Child Support Act and the Support and Parenting Time Enforcement Act, except for any child support or arrearage that erroneously accrued while the plaintiff was imprisoned. Child support must be deducted from an award under WICA before the plaintiff receives any of the money from the award. These provisions do not affect a plaintiff's ongoing child support obligations.

Finally, the Act specifies that it does not impair or limit the right of a state or local government to collect a debt of the plaintiff from his or her award of compensation.

Under the bill, the provisions described above also would apply to compensation under a compromise or settlement of a claim.

The Act specifies that a plaintiff's acceptance of an award under the Act, or of a compromise or settlement of the claim, must be in writing. Unless it is procured by fraud, the acceptance of an award, compromise, or settlement will be final and conclusive on the plaintiff, constitute a complete release of all claims against the State, and be a complete bar to any action in State court by the plaintiff against the State based on the same subject matter. The bill would delete the provision that the acceptance would constitute a complete release of claims against the State.

Under the Act, the acceptance by the plaintiff of an award under the Act, or of a compromise or settlement of the plaintiff's claim, however, does not waive or bar any action in Federal court against an individual alleged to have been involved in the investigation, prosecution, or conviction that gave rise to the wrongful conviction or imprisonment. The bill would specify that this provision also would apply to a recovery in Federal court and against a municipality.

"Municipality" would mean a municipal corporation organized or existing under the laws of the State, including a home rule city, statutory city, village, or township. The term would include an agency or department of the municipality and an officer of the municipal corporation acting in an official capacity. The term would not include a county, an agency or department of a county, or a county official acting in an official capacity.

Records

If a court determines that a plaintiff was wrongfully convicted and imprisoned, the court must enter an order that requires any record of the arrest, fingerprints, conviction, and sentence of the plaintiff related to the wrongful conviction to be expunged from the criminal history record. A document that is the subject of such an order is exempt from disclosure under the Freedom of Information Act. Under the bill, the parties could stipulate the entry of an order expunging records without an award of compensation.

Filing Deadline

Generally, the Act requires an action for compensation to be commenced within three years of the entry of a verdict, judgment, or order. Under the bill, an action also would have to be commenced within three years after entry of a pardon.

Under the bill, regardless of any other provision of WICA, an individual could bring a claim within 18 months of the bill's effective date, if that individual could prove that the individual qualified for an award as a result of the reversal or vacation of the judgement of conviction based on insufficient evidence supporting the conviction and the plaintiff did not perpetrate the crime and was not an accomplice or accessory to the acts that were the basis of the conviction. Additionally, regardless of any other provision of WICA, an individual could bring a claim within 18 months of the bill's effective date, if that individual could bring a claim if new evidence was presented to the court that retested or vacated the plaintiff's conviction, but relief was granted on another basis, and the new evidence demonstrated that the plaintiff did not perpetrate the crime nor was an accomplice or accessory to the acts that were the basis of the conviction.

FISCAL IMPACT

The bill would have a negative, indeterminate fiscal impact on the State due to the likelihood of increased compensation payments under WICA.

The bill would expand eligibility to include those committed to a mental health facility related to a conviction, those who have received a gubernatorial pardon on the basis of actual innocence, and situations in which new evidence was available but relief was granted under other circumstances. It is not known how many new plaintiffs would qualify for compensation under the bill.

Perhaps most impactful, the bill would change evidence threshold for a claimant to recover under WICA, from a "clear and convincing" standard to a "preponderance of the evidence" standard. Based on reporting from the Attorney General dating back to 2017, approximately 90 individuals have received payment awards under WICA. In fiscal year (FY) 2024-25, only 20% of claims under WICA were awarded compensation. According to the most recent report, roughly 40% of claims in FY 2025-26 were awarded compensation.

The bill likely would result in nominal savings for the State and local governments. The bill's language would encourage efficiency in legal proceedings, with new deadlines for discovery and answers to plaintiff complaints. Delays, or extended court proceedings, are often expensive, so new efficiencies under the bill would likely create indeterminate savings. The bill also would allow for the settlement of claims under the Act, which also would likely expedite court proceedings and create additional, indeterminate savings for the State and reduced attorney fees to be paid by the State, per the language under WICA.



To: Senate Comm. on Civil Rights, Judiciary, and Public Safety (Sen. Chang, Chair)

Re: Senate Bill 909 (Chang)

May 20, 2026

Dear Sen. Chang and Committee Members,

We welcome this effort to fix Michigan's Wrongful Incarceration Compensation Act (WICA).

WICA was first enacted in 2016 to provide compensation to individuals who can prove they were innocent of the crimes for which they had been incarcerated. However, problems with the structure and provisions of WICA – including an unduly high standard of proof, and the requirement that a claimant obtain a reversal based on “new evidence of innocence” – have led to repeated and extensive litigation, and widespread calls for reform. We support SB 909 as an important first step in reforming WICA, if it is amended to ensure that all exonerees can benefit from its provisions, as intended.

After Innocence is a nonprofit that since 2015 has provided free post-release assistance to hundreds of exonerees nationwide, including more than 40 exonerees in Michigan. In working directly with exonerees across the country, we have seen how wrongful conviction compensation statutes do – and do not – achieve the goal of fairly and efficiently identifying and compensating individuals who have been imprisoned for crimes they did not commit. We have worked with lawmakers in many states interested in improving their compensation laws, in many cases by incorporating evidence-based best practices from other jurisdictions, and the lived experiences of exonerees.

We welcome the very important reforms in SB 909, in particular the improvement of the standard of proof that a claimant must meet in order to obtain compensation, which brings WICA into line with the approach taken in most newer compensation statutes, and the mitigation of some of the harshness of the “new evidence” requirement.

Two of the other provisions in SB 909 – a second stream of compensation payments and the ability for some exonerees to bring retroactive claims – hold great potential for helping exonerees, but need minor amendments to ensure that their purposes are met:

(1) SB 909 provides an additional \$50,000 in compensation per year of incarceration, to be paid out “in equal monthly installments for the length of time the plaintiff was imprisoned.” This provision needs to be amended so that older exonerees –

including those who served the longest unjust sentences – can receive the compensation they're entitled to during their lifetimes; and

(2) SB 909 opens a retroactive window for some Michigan exonerees to obtain compensation under just one of the reforms of this bill, but provides no equivalent relief to exonerees that would be eligible under three of the bill's other reforms.

We provide more detail on these three issues, and proposed amendments, below.

If the bill is amended to address these two issues, there is an opportunity to reach other issues with WICA, in particular the continued use of "new evidence" as the primary pathway to compensation, which will continue to prevent some innocent people from obtaining compensation, even after the much-needed reforms in SB 909.

Forty states have wrongful conviction compensation statutes. Michigan is one of only three states that includes a "new evidence" requirement. The other thirty-seven states do not. WICA's "new evidence" requirement has been a source of unfairness, complexity and also led to significant litigation, including before the Michigan Supreme Court, and led one Supreme Court Justice to implore, "Please fix it, legislators." *Perry v. Michigan*, 510 Mich. 1120, 1121 (2022), McCormack, J. (concurring).

Michigan exonerees have endorsed a set of proposals from After Innocence for amendments to WICA to address a number of issues, and we include the text of one of those proposals, eliminating the new evidence requirement, below, for consideration in the event SB 909 is amended.

We look forward to collaborating with the bill sponsors and other stakeholders on the details of this bill and future reform bills, so that the revised WICA draws on best practices from around the country to ensure that deserving Michigan exonerees receive compensation for what they endured.

Thank you,

Jon Eldan
Founder and Executive Director, After Innocence
(415) 307-3386
www.after-innocence.org

Proposed Amendments to SB 909

1) The additional compensation provided by the annuity provision should be re-structured to ensure that exonerees can receive it during their lifetimes.

We applaud the inclusion in this bill of a provision that effectively doubles the amount of compensation for each year of wrongful incarceration – from \$50K/year to \$100K/year – with half payable up front and the other half paid as an annuity.

However, the bill's requirement that the annuity be paid out "in equal monthly installments for the length of time the plaintiff was imprisoned" will deny some Michigan exonerees the compensation they are awarded, in particular those who were wrongfully incarcerated for decades and released late in life.

For example, Gilbert Poole, Jr., was exonerated at age 56 after 32 years of wrongful incarceration, and Richard Phillips was exonerated at age 71 after 45 years of wrongful incarceration. Unless SB 909 is amended, someone in Mr. Poole's position would need to live to age 88, and Mr. Phillips's to age 114, in order to receive all of the WICA money promised to them. We are happy to discuss alternative models that would better meet SB 909's goal of delivering this additional compensation to Michigan exonerees.

2) Past claimants and potential claimants should have the benefit of the SB 909 reforms.

Fairness requires that SB 909's positive changes benefit all Michigan exonerees, not just those who bring WICA claims in the future, by temporarily re-opening the limitations period for people who could claim under these new provisions.

The current version of SB 909 creates two exceptions to the "new evidence" rule: exonerees whose convictions were overturned on grounds of insufficient evidence (5(1)(c)(ii)) and exonerees who presented new evidence of innocence that demonstrates their innocence, but who obtained reversals of their convictions on other grounds (5(1)(c)(iii)). In addition to the standard limitations period for future claims, SB 909 provides an 18-month window for anyone who could previously have brought a claim under the first exception, but does nothing for people who could bring a claim under the second exception. Nor does it provide a look-back window for claims that would otherwise be time-barred by people who were sentenced to involuntary commitment in a mental health institution (5(1)(a)), or who obtained pardons based on innocence (5(1)(b)(ii)). At a minimum, the 18-month window should be extended to cover all four of these scenarios.

As currently drafted, the 18-month window provision may also invite litigation regarding whether it applies not only to people whose prior claims were denied, but also to people who did not bring claims (because they would have been barred) and to people who compromised their claims (taking less than they could expect to win or settle for under the

new provisions). The 18-month window provision should clarify that it applies in all of these scenarios.

Suggested Amendment: For Section 7(3), at pg. 12, line 10, add the following language at the end of the line before the period: “, section 5(1)(c)(iii), section 5(1)(b)(ii), or the residential mental health facility provision of section 5(1)(a)”, so that section 7(3) would read as follows (added language underlined):

An individual may, irrespective of any other provision of this act, bring a claim within 18 months after the effective date of the amendatory act that added this subsection, if the individual can show that he or she qualifies for an award as a result of section 5(1)(c)(ii), section 5(1)(c)(iii), section 5(1)(b)(ii), or the residential mental health facility provision of section 5(1)(a). This subsection applies to individuals who did not previously bring claims that would have been barred under the version of this Act in effect prior to the effective date of this amendatory act, and to individuals who previously brought claims under this Act that were denied or compromised, irrespective of any waiver or release by plaintiff made in connection with such compromise.

3) Additional analysis of the “new evidence” requirement and potential amendments to eliminate it

If further amendments are going to be made to SB 909, then the Legislature would also have an opportunity to address a larger problem: the very presence of a “new evidence” requirement.

Compensation should be based on whether the claimant proves innocence, not whether that proof was made through prior introduction of “new evidence” of innocence. At bottom, the problem here is not *how* “new evidence” is applied, but that WICA requires it in the first place. It leads to wasteful litigation, and – most importantly – will continue to deny compensation to individuals fully able to prove they did time for a crime they did not in fact commit.

While “new evidence” may have a legitimate place in post-conviction criminal litigation, as a bulwark against re-litigation of settled issues, it serves no fair purpose in a wrongful conviction compensation statute, when in nearly every case, the issue of factual innocence has not previously been litigated. Eliminating a new evidence requirement in the civil compensation context is a workable solution: *Forty states-one other jurisdictions have wrongful conviction compensation statutes. Michigan is among just three that have a “new evidence” requirement, and none of the other thirty-seven states have had a flood of non-meritorious compensation claims as a result.*

The “new evidence” requirement in WICA has been a source of unfairness, confusion and significant litigation, including before the Michigan Supreme Court, and led one Supreme Court Justice to implore, “Please fix it, legislators.” *Perry v. Michigan* (2022), McCormack, J. (concurring) (no WICA compensation where claimant showed that new evidence required a

new trial, but Court of Appeals reversed on alternative grounds of prosecutorial misconduct and ineffective assistance of counsel).

At bottom, the problem here is not how “new evidence” is applied, but that WICA requires it in the first place.

SB 909 modifies the “new evidence” requirement to address two known problems: (1) it creates an exception for cases overturned on grounds of “insufficient evidence,” and (2) it allows claims where “new evidence” was presented to the court that reversed the conviction, but relief was granted on another basis. ***But even with these helpful changes, WICA would still block compensation to innocent people, in a variety of situations:***

- The claimant obtains “new” evidence of innocence, but only after the conviction has been overturned on other grounds (improper jury instruction, violation of the Confrontation Clause, improper inclusion/exclusion of evidence, or ineffective assistance of counsel based on the trial record alone). Because the “new evidence” wasn’t known at the time, it couldn’t be included in the record overturning the conviction, and the claimant would get no WICA compensation, even under SB 909.
- The claimant received a pardon, and can prove factual innocence, but because the pardon did not result from “new evidence” of innocence, the claimant would still get no WICA compensation, even under SB 909.
- The conviction is overturned because the defendant shows that the state failed to turn over potentially exculpatory evidence to the defense, such as an interview with a witness who admits that he was coerced by the police into identifying the defendant. This “new evidence” (the witness interview) would not alone “demonstrate” innocence – as required by WICA – even if other defense evidence at trial (such as an alibi) would demonstrate innocence in the absence of the identification testimony, and the claimant would get no WICA compensation, even under SB 909.

These scenarios could be addressed with separate carve-outs to the requirement of “new evidence,” in addition to those contained in SB 909. Alternatively, the Legislature could address these concerns, as well as the concerns already addressed in SB 909, by eliminating the new evidence requirement altogether, through the following changes:

Suggested Amendments:

- Delete Section 2(c), at pg. 2, lines 9 through 21.
- In Section 5(1)(b)(ii), pg. 5, line 16, delete "on the basis"
- In Section 5(1)(b)(ii), pg. 5, line 17, delete "of actual innocence"
- Delete Section 5(1)(c), at pg. 5, line 19 through pg. 6, line 8.
- Insert new Section 5(1)(c) at pg. 5, line 19 to read as follows: “The plaintiff did not commit, nor was an accomplice to, the crime or crimes that resulted in the conviction.”



MICHIGAN LAW
UNIVERSITY OF MICHIGAN

MICHIGAN INNOCENCE CLINIC

Jenna M. Cobb, Co-Director

Imran J. Syed, Co-Director

**Olivia Vigiletti, Michigan Innocence Clinic
Jessa Webber, Cooley Innocence Project
Testimony to the Civil Rights, Judiciary and Public Safety Committee of the
Michigan State Senate
On SB 909: Wrongful Imprisonment Compensation Act
May 21, 2026**

My name is Olivia Vigiletti, I am an attorney for the Michigan Innocence Clinic. I am joined by Jessa Webber, an attorney for the Cooley Innocence Project. We represent people who have been wrongfully convicted, including many people who are still in prison today.

The people we represent have often lost decades of their lives to convictions that should never have happened. By the time they are finally exonerated, they have missed birthdays, funerals, careers, marriages, the chance to raise their children, and so much more. While no amount of money can fully restore the life lost to wrongful conviction, state compensation plays a critical role in replacing the loss of income, loss of retirement, loss of career-skill building, educational opportunities, and more for the innocent people who endured the nightmare of wrongful conviction. For an exoneree, state compensation can mean the difference between housing insecurity and being housed; between barely getting by and having opportunities to create a life after exoneration.

Our clients are the reason we support the proposed amendments to the Wrongful Imprisonment Compensation Act. The road to exoneration for an innocent person is almost always decades long. By the time my clients are exonerated, they have been fighting an uphill battle for their innocence for much of their lives.

The current WICA statute was an important first step to compensate these individuals, but experience has shown us that serious gaps remain to fairly compensating the innocent. According to data from the National Registry of Exonerations, only 65% of the years lost to wrongful incarceration have actually been compensated in the state of Michigan. The proposed amendments go a long way to try to change that.

Standard of Proof

One of the most important change the bill introduces is to bring the standard of proof required for a WICA claim in line with the vast majority of other civil suits. The current statute requires that exonerees, who have already proven that their conviction was wrongful in the criminal courts, once again prove their innocence by clear and convincing evidence. This is an extremely high standard of proof, sufficient to involuntarily commit someone or terminate parental rights. Because exonerees have already had to prove their case for their conviction to be overturned, requiring proof of their innocence yet again by such a rigorous standard is redundant. It also further



exacerbates harm by requiring a more difficult litigation process, which, as Mr. Nixon and Mr. Pippen will share with you, is a re-traumatizing process for those who have already suffered so much.

According to local civil attorneys, this higher standard of proof can be used as a bargaining chip against giving exonerees their full compensation in settlement negotiations. As a result, rather than being paid \$50,000 per year of incarceration as the statute dictates, exonerees are often settling for around half or two thirds, just to avoid even more arduous litigation. It's also important to understand the context of these claims: most exonerees come home to few or no resources, so they often are coerced by circumstance into taking any settlement they can get, and don't want to risk causing delay by pushing for the full amount WICA allows for.

Two of my clients were recently exonerated and have started the civil process. We have had many conversations about how the civil process feels like going to trial—the trial where their lives were ruined—all over again. This amendment brings that standard of proof in line with the average civil suit, with the understanding that these clients have already spent decades fighting their case and WICA doesn't need to add unjust and unnecessary burden.

Federal Litigation

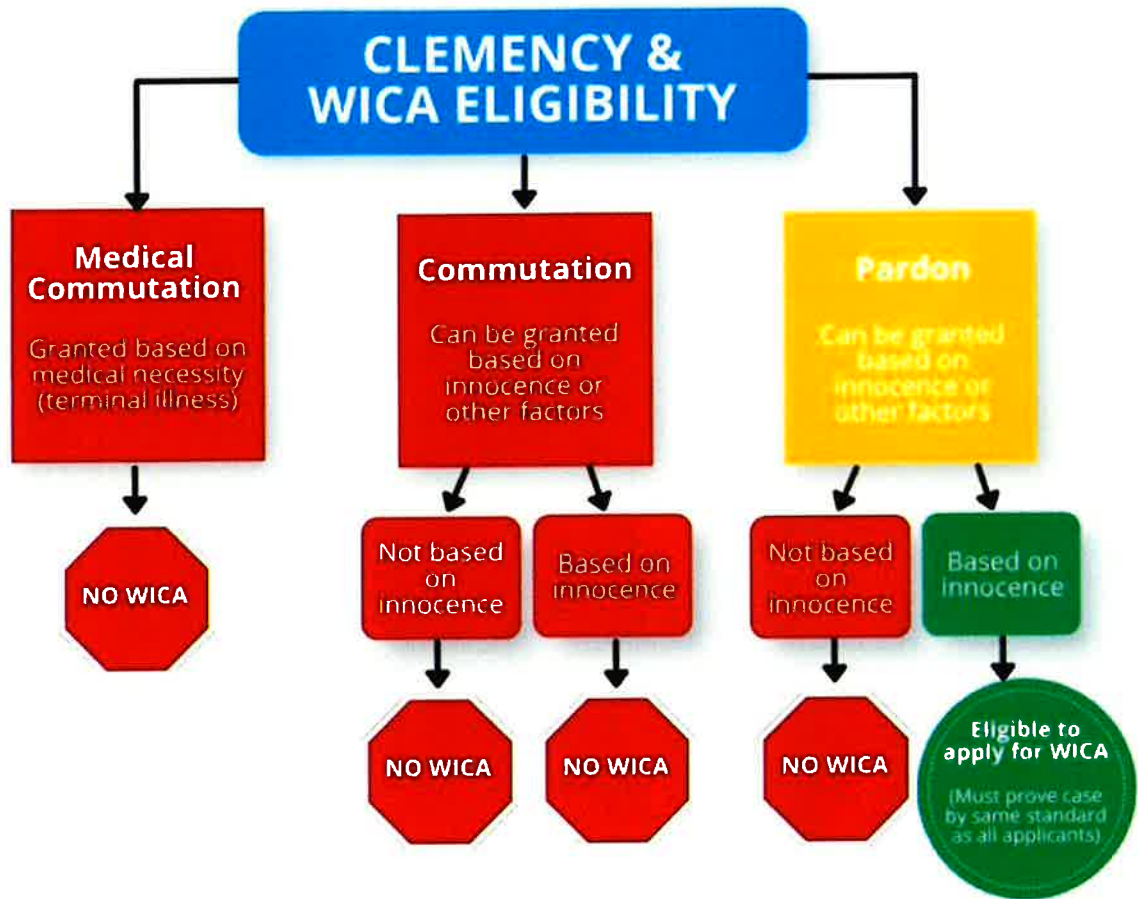
There are many other important aspects of the proposed improvements to WICA. For example, these amendments would serve to expand opportunities for federal civil litigation, which would provide exonerees an avenue for holding wrongdoers in their case accountable in federal court. This change is a win-win for exonerees and the Michigan state budget, because the payback provision of WICA requires that those who win federal claims pay back their WICA compensation to the state.

Annuity

These amendments also factor in an annuity in addition to a lump sum payout. Importantly WICA's compensation scheme does not include a cost-of-living increase. This means the \$50,000 annually agreed upon by the legislature in 2017 carries less economic power than it does today. The addition of an annuity allows exonerees to be able to rely on increased compensation while being mindful of the state budget, as the additional payout is spread out over time. This annual income is also subject to the payback provision, should an exoneree win a federal claim.

Pardon

SB 909 includes those who have been pardoned on the basis of innocence in the relief. This is an incredibly small and exceptional carve out. The governor can grant commutations of sentence and pardons on a variety of bases. The chart below shows the very narrow group that this addition seeks to include.



There are also some smaller and more technical changes that will ensure this bill functions as it was intended. We are happy to explain the reasons for any such changes, as they can make a real difference for exonerees coming home to freedom.

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Of Counsel:
Mark L. Dailey, PLLC

May 21, 2026

Michigan Senate
Committee on Civil Rights, Judiciary & Public Safety
Room 1200, Binsfeld Office Building
201 Townsend St.
Lansing, MI 48933

Dear Senators:

We, the undersigned attorneys at Akeel & Valentine, PLC, thank you for the opportunity to submit a written comment in support of Senate Bill 909. Our firm prides itself as a leading national law firm that prosecutes fraud, corruption, and hate. As a regular part of our practice, we represent exonerees, many of whom lost decades of their lives for crimes they never committed, in federal civil rights actions, challenging the unconstitutional conduct and practices of individuals and municipalities that led to their wrongful imprisonment. Through the invaluable efforts of organizations, such as the Michigan Innocence Clinic and Cooley Innocence Project, and county Conviction Integrity Units, these exonerees are able to experience their constitutionally secured freedom years, if not decades, after their wrongful imprisonment.

However, this fight for freedom is only the beginning for many exonerees who face reentry into a society that has radically changed with little to no means to support themselves. While the Wrongful Imprisonment Compensation Act (“WICA”) has served as a critical financial lifeline for those reentering society after being wrongfully deprived of their liberty, the law, as currently enacted, presents a major loophole that enables municipalities that have engaged in a policy or practice of constitutional misconduct to evade accountability. Specifically, municipalities have utilized the WICA release provision, Mich. Comp. Laws § 691.1755(8)—intended to release *the State* from claims in exchange for a WICA award—to avoid liability for their policy or practice of wrongfully investigating, prosecuting, convicting, and imprisoning scores of innocent Michiganders. This impunity is contrary to the dual purposes of 42 U.S.C. § 1983—compensation and deterrence—and circumvents the bedrock U.S. Supreme Court precedent holding that municipalities are not immune for patterns and practices of constitutional violations. *See Monell v. Dep’t of Soc. Svcs.*, 436 U.S. 658 (1978).

In the course of our advocacy, we have witnessed this play out repeatedly in the federal courts. WICA as currently drafted forces exonerees to make an impossible choice: accept the WICA safety net but permit a municipality’s policy or practice to go unaddressed; or reenter society virtually penniless in the hopes of full and fair compensation from the municipality and deter future unconstitutional conduct. In other words, acceptance of a WICA award from the State permits municipalities, who do not directly contribute to the WICA fund, to escape justice.

Senate Bill 909 plugs that loophole and explicitly permits a WICA awardee to pursue claims in federal court against municipalities who have engaged in a practice or policy of constitutional misconduct. This amendment would preserve the fundamental right of redress, enacted by Congress and recognized by the U.S. Supreme Court, for municipal constitutional violations.

For the reasons stated above, we respectfully request that this honorable committee favorably report Senate Bill 909 and bring it to a vote by the Senate as a whole.

Respectfully submitted,

Hayden E. Pendergrass (P86888)

Adam S. Akeel (P81328)

Emad R. Hamadeh (P86849)

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Of Counsel:
Mark L. Dailey, PLLC

May 21, 2026

Michigan Senate
Committee on Civil Rights, Judiciary & Public Safety
Room 1200, Binsfeld Office Building
201 Townsend St.
Lansing, MI 48933

Dear Members of the Legislature:

I write in strong support of the proposed amendments to Michigan's Wrongful Imprisonment Compensation Act (Senate Bill 909). I am a civil rights attorney. I represent people who lost decades of their lives to convictions built on misconduct. WICA, as written, lets the officials responsible walk away clean. The amendments fix that.

Let me explain from experience.

I am an attorney at Akeel & Valentine, PLC. I represent Lavone Hill. A Detroit detective, Walter Bates, fabricated a statement and coerced a witness to put Mr. Hill away for over 22 years. Bates was not a one-time bad actor. He drove other wrongful convictions, too. He robbed banks while the case was pending. The City never disclosed any of it.

Mr. Hill accepted compensation under WICA. He received \$50,000 for each year stolen from him. To a man who lost his children's childhoods and time with his aging parents, that sum is a fraction of what he lost. But here is the deeper problem. By accepting it, Mr. Hill may forfeit his federal claims against the City of Detroit.

Think about what that means. The State pays a modest sum. The City pays nothing. And the City escapes any scrutiny of the customs and practices that let Bates operate for years. The cycle continues. The next person is convicted the same way.

This cannot have been the intent. The fund was created to help exonerees rebuild their lives. It was not created to shield cities and counties from accountability under 42 U.S.C. § 1983.

The current statute creates two more traps.

First, the release language is read to bar federal claims against municipalities. That conflicts with federal law. Congress built § 1983 to compensate victims and deter future violations. A city that pays nothing is

never deterred.

Second, WICA lets the State claw back its payment if the exoneree later wins a federal judgment. So the modest award becomes illusory. Worse, it forces an impossible choice: take the State's help now, or pursue the truth in federal court later. No wrongfully convicted person should have to choose.

The amendments restore the balance. They let exonerees accept help rebuilding their lives without surrendering their constitutional claims. They keep cities and counties answerable for the harm they cause. They honor the deterrent purpose at the heart of our civil rights laws.

Wrongful convictions are not accidents. They are the product of choices. When we let the responsible institutions avoid scrutiny, we invite the same choices again. These amendments end that. I urge you to pass them.

Thank you for your service and for your attention to this important issue. I am happy to provide further detail or to testify if it would assist the committee.

Respectfully submitted,

Hasan Kaakarli

Hasan Kaakarli (P81099)

Keli Young, Innocence Project
Testimony to the Civil Rights, Judiciary and Public Safety Committee of the
Michigan State Senate
On SB 909: Wrongful Imprisonment Compensation Act
May 21, 2026

My name is Keli Young and I am a State Policy Advocate at the Innocence Project. The Innocence Project is a national organization that represents wrongfully convicted clients across the country. We also work to enact state-level policy reforms that prevent and reveal wrongful convictions and compensate exonerees for their wrongful conviction. Thank you to Senator Chang for introducing this legislation and her leadership on this issue, and thank you to the full committee for your time and attention today. The Innocence Project supports SB 909 and urges the committee to report this bill out favorably.

Most wrongfully convicted people spend years behind bars fighting to prove their innocence. The average prison stay for someone exonerated through DNA testing is 14 years. Upon release, they face a number of financial challenges, like securing housing, transportation, and other basic needs. Exonerated people can also have health and mental health care needs stemming from their wrongful incarceration that demand immediate attention. Often, wrongfully convicted people have even less assistance transitioning home than people released after finishing their sentences or released on parole.

The effects of wrongful conviction are profound. Aside from the long-lasting repercussions to someone's mental and physical health, time lost with family and friends, and milestones missed, there are considerable economic and financial impacts. While wrongfully imprisoned, exonerees missed out on opportunities to build work experience and further their careers, making it difficult to immediately re-enter the workforce. Incarcerated during years critical to building a stable future, they often missed out on important economic benchmarks such as attending college, investing earnings, buying a home, creating retirement accounts, and contributing to social security.

Across the country, 40 states, the federal government, and Washington D.C. have laws on the books providing financial compensation to people who have been wrongfully convicted. Michigan's Wrongful Imprisonment Compensation Act was first enacted in 2017 and has provided over 80 exonerees with money to rebuild their lives. This reflects real progress, but the statute has not reached everyone it should—fewer than half Michigan's exoneree population has not been compensated for their wrongful conviction under the statute. While SB 909 will not fix every reason someone hasn't collected, it will remove barriers that have kept legitimate claimants out of a system designed to help them.

Most concerning, the current burden of proof is too onerous. The current law requires the claimant to prove innocence by clear and convincing evidence, a standard typically used for the government to curtail a person's rights. This high burden of proof contravenes the very purpose of compensating the innocent, particularly in older cases where witnesses, evidence and records are unavailable or lost. SB 909 will change the burden of proof to a preponderance of the evidence, in line with the rest of Michigan civil law. And with the direction newer statutes are moving in, this change also brings Michigan into alignment with a growing national trend — 16 states now use a preponderance standard, including nearby Illinois and Indiana.

SB 909 also introduces a meaningful structural improvement to how compensation is delivered. Under the current law, exonerees receive a lump-sum payment of \$50,000 per year of wrongful imprisonment. In practice, however, exonerees collect only about 85 cents on the dollar—an average of \$42,965, rather than the full \$50,000 statutory award — a gap that reflects the real-world barriers claimants face in navigating the compensation process. SB 909 retains that structure and adds a standard annuity providing an additional \$50,000 for each year the plaintiff was imprisoned, paid out in equal monthly installments over the length of time the plaintiff was imprisoned at a 5% per annum interest rate. This brings Michigan in line with several states that have recognized the limitations of lump-sum-only compensation and moved toward structures that provide sustained financial support over time. Texas — which has one of the strongest wrongful conviction compensation statutes in the country and has been a national model — provides both a lump sum and annuity payments to exonerees, along with Oregon and Kansas. The annuity component in SB 909 reflects where the field is moving: ensuring that exonerees have not just an immediate infusion of resources, but a reliable income stream as they rebuild their lives.

There are also a number of smaller, more technical changes which will ensure that the statute functions as it was meant to. SB 909 provides a clear and consistent definition of "new evidence" addressing inconsistent application under the current law. It expands eligibility beyond the court system to those who are pardoned by the Governor because of their innocence. The current law includes attorney's fees in the offset provision, even though the exonerated person doesn't receive that money; SB 909 clarifies that attorney fees are only awarded where the plaintiff has actually paid them, and that any award of attorney fees may not be deducted from the plaintiff's compensation. Finally, the current law doesn't compensate someone for the time they spent in pretrial detention or a mental health facility as a result of their wrongful conviction, but SB 909 will eliminate those exclusions.

Exonerees face enormous challenges to reclaim their lives when they are released from wrongful incarceration. It is critically important for the state to do everything possible to make them whole. By passing SB 909, the Wrongful Incarceration Compensation Act will better equip Michigan to do just that for exonerees.

8. Strategic Planning and Engagement

Presented by Thomas H. Howlett

8.1. Bar Journal Recommendations*

For Approval



To: Strategic Planning and Engagement Committee, Board of Commissioners
From: Commissioner Josh Lerner, chair
Date: May 15, 2026
Re: Summary Report and Recommendations
Michigan Bar Journal Deep Dive Committee

It is my pleasure to offer the following recommendations unanimously adopted by the *Michigan Bar Journal* Deep Dive Subcommittee. The *Michigan Bar Journal* currently has a Net Promoter Score of zero, indicating significant member dissatisfaction. These recommendations are designed to reverse this trend by improving content quality, accessibility, and strategic alignment. In developing these recommendations, the subcommittee worked closely with staff to analyze more than 60 pages of data including readership survey results, website analytics, comparative research from other bars, subscription data, and financial analyses.

Our goals when making these recommendations were to strengthen the strategic value of the *Michigan Bar Journal*, encourage broader and more cost-effective digital engagement, improve operational efficiencies, and align publication practices with industry standards and best practices. If adopted by the Board of Commissioners, these recommendations would be implemented as soon as reasonably practicable, consistent with staff capacity, operational planning, and administrative timelines.

RECOMMENDATION 1: Publish eight issues of the *Michigan Bar Journal* annually, including one all-member issue.

Currently 11 issues are published annually. Approximately half of our members receive the printed *Michigan Bar Journal* and half exclusively receive the online version via email. Based on current revenues and expenses, reducing the number of print issues from 11 to eight will save approximately \$54,000 annually. To support Strategic Plan goals related to member engagement and communication, the subcommittee recommends that one special issue of the print magazine be distributed each year to all members. The all-member issue will feature State Bar of Michigan benefits and ensure all members receive at least one tangible touchpoint with the Bar annually. Although postage, paper, and production costs associated with this special issue will reduce overall savings, those costs are expected to be partially offset by projected revenue increases. Assuming net costs of \$15,000, the total projected savings of \$39,000, 9.8% of current budgeted expenses.

RECOMMENDATION 2: Require annual opt-in to receive the printed *Michigan Bar Journal*

Since 2021, attorneys must opt in to receive the print edition. Currently, the system pre-selects their prior year's choice, requiring no action to continue. The subcommittee recommends requiring an active annual election — members must affirmatively click 'yes' each year to continue receiving print. If an attorney does not elect to receive the print version, they receive an email with links to the online version instead.

RECOMMENDATION 3: Send the email/online version of the *Michigan Bar Journal* to all members.

Currently, Michigan attorneys who opt not to receive the printed magazine receive an email with links to the online version of the *Michigan Bar Journal*. The subcommittee recommends sending the email and online edition to all members, regardless of print status, in order to increase awareness and usage of the Journal's digital resources.

RECOMMENDATION 4: Pursue online publication of notices

Michigan Supreme Court rules and administrative orders require certain notices to be published in the *Michigan Bar Journal*, e.g. administrative orders, criminal jury instructions, public policy positions. The *Michigan Bar Journal* on average includes 12 pages of these notices. The subcommittee recommends that the Executive Director pursue discussions with the Michigan Supreme Court regarding the possibility of publishing these notices exclusively online. Transitioning these notices to an online format would allow the Michigan Bar Journal to provide additional substantive content within existing page counts and production budgets.

RECOMMENDATION 5: Establish an editorial board for the *Michigan Bar Journal*.

Editorial boards are standard practice among bar journal publications nationwide. The subcommittee recommends establishing a dedicated Editorial Board to strengthen the quality, relevance, and strategic value of the Michigan Bar Journal and to improve the publication's current Net Promoter Score of zero. The proposed Editorial Board would consist of engaged volunteer members who assist with reviewing submissions, developing content ideas, and editing articles for publication. This structure also is intended to ensure the Bar's flagship publication better supports the goals of the Strategic Plan.

The Editorial Board would replace the current Michigan Bar Journal Committee and would operate pursuant to existing Board of Commissioners bylaws. This would limit the size of the body to no more than 15 members, a reduction from the current 22 committee members. Existing committee members would remain eligible to apply for appointment to the new Editorial Board.

The subcommittee's recommended jurisdiction language is included in the master committee resolution for consideration. The proposed and existing jurisdictions also are listed on the following page.

PROPOSED

***Michigan Bar Journal* Editorial Board**

Jurisdiction

Provide editorial input and legal expertise to support the Board of Commissioners' publication of the *Michigan Bar Journal*, consistent with the State Bar's Strategic Plan by:

- Providing regular editorial assistance to State Bar of Michigan staff in their preparation of issues of the *Michigan Bar Journal* for publication.
- Encouraging and reviewing submissions to the *Michigan Bar Journal* to help select meaningful, substantive content for publication.
- Editing articles to ensure that content contains fair, well-written analysis that meets *Michigan Bar Journal* standards.
- Reviewing available metrics to ensure that the *Michigan Bar Journal* serves Michigan attorneys and advances the State Bar's Strategic Plan.

EXISTING

***Michigan Bar Journal* Committee**

Jurisdiction

Provide recommendations to the Board of Commissioners regarding the *Michigan Bar Journal* consistent with the State Bar's strategic plan and provide regular editorial assistance *Michigan Bar Journal* staff by:

- Developing annual plans for the content of each *Michigan Bar Journal* issue
- Soliciting, reviewing, and editing feature articles and columns submitted to the *Michigan Bar Journal*
- Recommending collaborations to advance the communication and member service objectives of the Strategic Plan
- Reviewing and evaluating metrics to measure the effectiveness of the *Michigan Bar Journal* in advancing the State Bar of Michigan's strategic goals

8.2. Liberty Bell Award*

For Approval



To: Board of Commissioners

From: Erika Bryant, Chair, Awards Committee
Robinjit Eagleson, Staff Liaison, Awards Committee

Date: June 12, 2026

Subject: 2026 State Bar Award Nominations

The State Bar of Michigan Awards Committee's recommendation was presented to the Strategic Planning and Engagement Committee on Tuesday, May 19, 2026. The Strategic Planning and Engagement Committee unanimously agreed and recommends the following entity to receive the 2026 Liberty Bell Award:

Liberty Bell Award

The committee recommends one nominee: **Hispanic Center of West Michigan**

The Hispanic Center of West Michigan was nominated for the Liberty Bell Award after receiving the 2026 Liberty Bell Award from the Grand Rapids Bar Association following its nomination by the Kent County Public Defender's Office and local attorney Alex Thibodeau. The organization was recognized for its ongoing commitment to serving the Hispanic community in West Michigan through a range of social and community support services. Despite budgetary constraints, the organization has continued to provide programs and services aimed at promoting understanding of legal rights, expanding access to information and resources, and connecting individuals with legal assistance. Through its work, the organization has supported refugees and community members by offering consultations, assistance with completing essential forms, transportation services, employment and job placement support, guidance related to workers' compensation and labor matters, legal interpretation services, expungement events, and other community-based resources.



8.3. Partner Programs

8.3.1. Lexara*

For Approval



To: Board of Commissioners

From: Robinjit Eagleson

Date: June 12, 2026

Re: Potential Partner Program: Lexara

Discussions were initiated between the State Bar of Michigan and Lexara regarding the potential establishment of a partnership program. The proposed partnership terms are summarized below:

- Discount for State Bar of Michigan Members: A 20% discount off Lexara Engage's current standard subscription rates.
- Royalty to SBM: A royalty payment equal to 15% of gross revenue generated through the partnership arrangement.

Lexara is a multifaceted legal services company that provides comprehensive client intake solutions and AI consulting services for law firms. The company customizes the intake experience based on each firm's practice areas while helping firms strategically implement artificial intelligence into their operations. The discount applies exclusively to Lexara Engage, an AI-powered client intake and conflict-screening platform designed for legal practitioners. Lexara Engage integrates seamlessly with a law firm's website and case management systems to deliver dynamic, branching intake forms tailored to prospective clients' responses. The platform also performs automated conflict checks using data within the firm's case management system, with all results submitted to the attorney or designated firm representative for final review and approval. Lexara Engage is available in both English and Spanish. Additional information and a demonstration of Lexara Engage are available [here](#). In addition to its software solutions, Lexara provides consulting services that help law firms evaluate, implement, and optimize AI technologies. The company advises firms on best practices for AI adoption and assists in identifying platforms and tools that align with each firm's operational and strategic needs. Further information regarding Lexara AI consultations may be found [here](#).

Currently, the State Bar of Michigan does not maintain any other partnership offering an AI-powered client intake and conflict-checking solution. By making this service available to SBM members, attorneys will be able to obtain and process prospective client information in a more efficient and timely manner while enhancing their ability to fulfill ethical obligations related to conflict-of-interest screening. The platform supports this process through automated preliminary checks while preserving attorney oversight and human review as the final step in all conflict determinations.

Recommendation: The Strategic Planning and Engagement Committee met on Tuesday, May 19, 2026 and unanimously approved forwarding this potential partner program to the Board of Commissioners for its consideration. It is recommended that the Board of Commissioners approve Lexara as a partner program of the State Bar of Michigan pending General Counsel review of the contract and finalization.

8.3.2. Smith.ai*

For Approval



To: Board of Commissioners

From: Robinjit Eagleson

Date: June 12, 2026

Re: Potential Partner Program: Smith.ai

Discussions were initiated between the State Bar of Michigan and Smith.ai regarding the potential establishment of a partnership program. The proposed partnership terms are summarized below:

- Discount for State Bar of Michigan Members: \$100 off the first month of service.
- Royalty to SBM: A 10% lifetime commission to SBM, with the potential increase to 15% once \$10,000 in revenue has been reached.

Smith.ai is a 24/7 virtual receptionist and business communications platform that combines AI-driven technology with live, North America-based agents. The platform manages inbound and outbound calls, website chat, and SMS communications, while offering services such as lead screening, appointment scheduling, and payment collection to improve operational efficiency and increase lead conversion.

The platform provides both AI-powered automated agents and live receptionist support, enabling firms to screen and qualify prospective clients based on customized criteria. Smith.ai also integrates with calendars, payment platforms, CRM systems, and legal software, including Clio and LawPay, allowing firms to schedule consultations and collect payments seamlessly. In addition, the service includes spam filtering capabilities designed to block unwanted sales and spam calls, helping protect staff productivity. Additional information regarding Smith.ai may be found [here](#).

Currently, the State Bar of Michigan maintains one partnership with a virtual receptionist provider, Ruby Receptionists. However, SBM has received multiple requests from members seeking an alternative provider option. Smith.ai would provide that alternative while offering a service specifically tailored to law firms. The company positions itself as a comprehensive front-office solution for legal practices by qualifying and screening leads by practice area, capturing detailed client intake information, and scheduling consultations directly through the firm's case management system.

Recommendation: The Strategic Planning and Engagement Committee met on Tuesday, May 19, 2026 and unanimously approved forwarding this potential partner program to the Board of Commissioners for its consideration. It is recommended that the Board of Commissioners approve Smith.ai as a partner program of the State Bar of Michigan pending General Counsel review of the contract and finalization.

8.4. 2026-2027 Committee Jurisdiction Resolution*

For Approval

TO: Strategic Planning & Engagement Committee
FROM: SBM Staff
DATE: May 19, 2026

RE: FY 2026-2027 Committee Recommendations

As part of its jurisdiction, the Strategic Planning & Engagement Committee is tasked with reviewing and making recommendations concerning committees to the full Board of Commissioners. SBM staff, often consulting with committee chairs, make the following committee recommendations for FY 2026-2027 to the Strategic Planning & Engagement Committee.

I. Affordable Legal Services Committee

Recommended change:

The following proposed changes update the criteria to reflect current technology and remove reference to a committee that no longer exists.

Support the State Bar of Michigan's access to justice and member services goals by:

- Reviewing, developing, and recommending innovative practices to provide low-cost legal services and evaluating efforts to expand access to affordable legal services for persons of modest means, including low bono services; non-profit law firms and sliding scale civil legal services; online dispute resolution and alternative dispute resolution services; lean process analysis, both at law practice and court administrative levels; alternative fee agreements; ~~and~~ fixed fee packages, **and the use of artificial intelligence**
- Identifying the need for any workgroups to support the jurisdiction of the committee
- Conferring and coordinating regularly at least annually with the Justice Initiatives Committee ~~and Online Legal Resources and Referral Center committee~~
- Identifying possible collaborations to support the committee's jurisdiction
- Reviewing and evaluating metrics

II. Michigan Bar Journal Committee

Recommended change:

The most significant change in jurisdictions included in this year's master committee resolution is the establishment of a new Michigan Bar Journal Editorial Board, which would wholly replace the current Michigan Bar Journal Committee. This change follows best practices of other bar journals nationwide and is intended to focus the volunteer editors' work on developing relevant, high-quality content and improving the Michigan Bar Journal's current Net Promoter Score of zero. This change is one of several recommendations made by a subcommittee of the Strategic Planning and Engagement Committee dedicated to conducting a comprehensive review of the Michigan Bar Journal. Additional information about the recommendation is included in the MBJ Deep Dive Subcommittee Summary Report.

~~Michigan Bar Journal Committee~~

~~Provide recommendations to the Board of Commissioners on any changes concerning the Michigan Bar Journal consistent with the State Bar's strategic plan and provide regular editorial assistance to the editor of the Michigan Bar Journal by:~~

- ~~• Developing annual plans for the content of each Michigan Bar Journal issue~~
- ~~• Soliciting and reviewing submissions to the Michigan Bar Journal~~
- ~~• Make recommendations to the Board of Commissioners on any substantial changes to the publication of the Michigan Bar Journal, including format, number of issues, and budget~~
- ~~• Recommending collaborations to advance the communication and member service objectives of the Strategic Plan~~
- ~~• Reviewing and evaluating metrics for evaluating the effectiveness of the Michigan Bar Journal~~

Michigan Bar Journal Editorial Board

Provide editorial input and legal expertise to support the Board of Commissioners' publication of the *Michigan Bar Journal*, consistent with the State Bar's Strategic Plan by:

- Providing regular editorial assistance to State Bar of Michigan staff in their preparation of issues of the *Michigan Bar Journal* for publication.
- Encouraging and reviewing submissions to the *Michigan Bar Journal* to help select meaningful, substantive content for publication.
- Editing articles to ensure that content contains fair, well-written analysis that meets Michigan Bar Journal standards.
- Reviewing available metrics to ensure that the *Michigan Bar Journal* serves Michigan attorneys and advances the State Bar's Strategic Plan.



FY2026-27 COMMITTEE RESOLUTION

Foundational Principles

Committees Do Not Speak for the State Bar of Michigan.

Regardless of its jurisdiction, SBM committees, task forces, commissions and/or work groups do not speak for the State Bar of Michigan. To the extent that any public activity or programming can be interpreted as a decision of the State Bar of Michigan or an expression of an ideological viewpoint, the activity or programming must be authorized in advance, in accordance with the bylaws of the State Bar of Michigan. Further, standing and special committees do not have authority to bestow an award or significant honor. Any award or significant honor recommended by a standing or special committee must be approved by the Board of Commissioners or Representative Assembly, as appropriate.

Committees Are Advisory to the Board of Commissioners.

Unless explicitly noted otherwise in their jurisdictions, committees are advisory to the Board of Commissioners.

Committees Are Encouraged to Collaborate.

Committees with overlapping subject-matter jurisdictions are encouraged to communicate regularly their work and collaborate where appropriate.

Definitions

Commissioner Committees	Work supports the deliberations of the Board of Commissioners. Membership is primarily accomplished by members of the Board of Commissioners, but committee membership may be supplemented to meet needs for particular expertise.
Standing Committee	Work expected to be ongoing, at least throughout the life cycle of the current Strategic Plan. In making standing committee recommendations and appointments, special attention should be paid to experience and continuity.
Special Committee	Work is intended to accomplish a complex but discrete mission, typically lasting at least one year but not exceeding any single Strategic Plan cycle. In making special committee recommendations and appointments, special attention should be paid to the expertise and representation of interested or affected communities. Recruitment from the leadership of sections and local and affinity bars is often essential.
Workgroups	Work is intended to be short-term and narrowly defined. It often reflects an unanticipated need or opportunity not evident during the annual planning of committee work. Workgroups may be formed at any time within a bar year, often on recommendation of a committee to the President, in whom the bylaws invest the authority of appointment. In making workgroup appointments, special attention should be paid to expertise and ability to commit to a fast-paced work schedule.

Resolution

RESOLVED: That, pursuant to Article VI of the Bylaws of the State Bar of Michigan, the Board of Commissioners adopt the committees of the State Bar of Michigan for FY 2026-2027.



SBM Committee Jurisdictions

Standing Committees

- Access to Justice Policy
- Affordable Legal Services
- American Indian Law
- Awards
- Character & Fitness
- Civil Procedure & Courts
- Client Protection Fund
- Criminal Jurisprudence & Practice
- Diversity & Inclusion Advisory
- Law School Deans
- Judicial Ethics
- Judicial Qualifications
- Justice Initiatives
- Lawyers & Judges Assistance
- Michigan Bar Journal
- Past Presidents Advisory Council
- Professional Ethics
- Professionalism and Civility Committee
- Public Outreach & Education
- Unauthorized Practice of Law
- United States Courts

Access to Justice Policy Committee

Support the State Bar of Michigan's public policy program by:

- Reviewing and making recommendations on proposed court rules and legislation concerning access to justice, particularly access policy issues that impact underserved populations
- Collaborating with other State Bar committees to provide feedback on proposed administrative, court rule, and statutory changes related to civil practice in the courts.

Affordable Legal Services Committee

Support the State Bar of Michigan's access to justice and member services goals by:

- Reviewing, developing, and recommending innovative practices to provide low-cost legal services and evaluating efforts to expand access to affordable legal services for persons of modest means, including low bono services; non-profit law firms and sliding scale civil legal services; online dispute resolution and alternative dispute resolution services; lean process analysis, both at law practice and court administrative levels; alternative fee agreements; fixed fee packages, and the use of artificial intelligence
- Identifying the need for any workgroups to support the jurisdiction of the committee
- Conferring and coordinating regularly at least annually with the Justice Initiatives Committee
- Identifying possible collaborations to support the committee's jurisdiction
- Reviewing and evaluating metrics

Note: This committee may have more than 15 members.

American Indian Law Committee

Support the State Bar of Michigan's efforts to support effective and appropriate interaction between sovereign tribal courts and state and federal courts, and on the practice of law in those courts by:

- Reviewing and making recommendations on relevant proposed court rules and legislation
- Proposing court rule, legislative, or policy changes to advance more effective and appropriate interaction between sovereign tribal courts and state and federal courts

Awards Committee

Support the nomination process for and recommend recipients of awards made in the name of the State Bar of Michigan, by:

- Assisting in the management of the timetable for soliciting, reviewing, and recommending award nominations
- Providing input on effective solicitation of awards to ensure a high-quality pool of diverse nominees
- Providing recommendations on the establishment of new awards or discontinuation of existing awards
- Offering guidance on how best to honor awardees and create an inspiring and accessible online archive of award recipients
- Periodically review award criteria and make recommendations to the Board of Commissioners when necessary

Character and Fitness Committee

Support the work of the State Bar of Michigan conducted under the direction and authority of the Board of Law Examiners and Michigan Supreme Court by:

- Investigating the character and fitness of candidates for admission to the Bar pursuant to Rule 15, Section 1, of the Supreme Court Rules Concerning the State Bar of Michigan. This work product is provided to the Board of Law Examiners for its consideration. The work product is not provided to, or subject to approval by, the Board of Commissioners or Representative Assembly.
- Making recommendations on changes to rules concerning admissions related to character and fitness, and SBM interaction with Michigan law schools concerning character and fitness
- Meeting on a biennial basis with the Board of Law Examiners
- Determining how the committee's work might interact with and support the work of the Professional Ethics, Judicial Ethics, Lawyers and Judges Assistance, and Client Protection Fund committees, including through conferring and coordinating regularly with them on trends, data, insights, and metrics
- Suggesting metrics for measuring the effectiveness of the work carried out by the Character and Fitness committee

Note: This committee may have more than 15 members. The work of this committee is conducted pursuant to the authority, and under the oversight of the Board of Law Examiners. The committee's and district committees' work product is not provided to, or subject to review by, the Board of Commissioners or any other entity of the State Bar of Michigan.

Civil Procedure and Courts Committee

Support the public policy program of the State Bar of Michigan by:

- Reviewing and making recommendations on proposed court rules and legislation related to civil practice in the courts
- Making recommendations for administrative, court rule, and statutory changes concerning improvements in the administration, organization, and operation of Michigan state courts.
- Collaborating with other State Bar committees to provide feedback on proposed administrative, court rule, and statutory changes related to civil practice in the courts.

Note: This committee may have more than 15 members.

Client Protection Fund

Advise the Board of Commissioners on the operation of the Client Protection Fund program pursuant to the [Client Protection Rules](#) adopted by the Board of Commissioners by:

- Making recommendations regarding reimbursement of claims to the Board of Commissioners
- Proposing and advising on revisions to rules and policies concerning the Client Protection Fund
- Reviewing and recommending loss prevention measures to minimize claims and public loss
- Being aware of and discussing metrics measuring the effectiveness of national and state efforts to reduce lawyer misappropriation of funds and to reimburse victimized clients

Criminal Jurisprudence and Practice Committee

Support the public policy program of the State Bar of Michigan by:

- Reviewing and making recommendations on proposed court rules and legislation related to criminal jurisprudence and practice
- Making recommendations for administrative, court rule, and statutory changes concerning improvements in criminal jurisprudence and practice
- Collaborating with other State Bar committees to provide feedback on proposed administrative, court rule, and statutory changes related to criminal jurisprudence and practice in the courts

Note: This committee may have more than 15 members.

Diversity and Inclusion Advisory Committee

Support the diversity goals of the SBM Strategic Plan by:

- Identifying strategies to promote a diverse and inclusive voice in all State Bar of Michigan work and communications
- Recommending practices, tools and strategies to advance diversity and inclusion at the SBM staff level, section and committee levels, and throughout the justice system
- Encouraging examination of the status of diversity and inclusion efforts of Michigan law firms, courts, and law schools
- Suggesting methods for celebrating successful diversity and inclusion efforts
- Identifying the need for any workgroups to support the jurisdiction of the committee
- Identifying possible collaborations to support

Note: This committee may develop and carry out collaborative programs consistent with this jurisdiction, and within allocated budgetary resources, with approval of the Executive Committee.

Law School Deans Committee

Confer on issues and subjects that affect the law schools of Michigan and the State Bar, and its members, including legal preparation, law school admissions, education, standards, and testing of candidates for admission to the bar.

Note: This committee meets upon the initiative of a majority of the Michigan law school deans. Its membership includes the officers of the State Bar and the executive director of the Board of Law Examiners.

Judicial Ethics Committee

The Standing Committee on Judicial Ethics offers analysis and guidance concerning the Michigan Code of Judicial Conduct, and, to the extent that they relate to judicial conduct in Michigan, on provisions of the Michigan Rules of Professional Conduct, the ABA Model Code of Judicial Conduct, the ABA Model Rules of Professional Conduct, the Michigan Court Rules to the extent they relate to judicial conduct, and other applicable standards of professional conduct, as well as emerging issues of professional conduct affecting judges and judicial candidates by:

- Rendering informal advisory opinions on judicial ethics, which are published on the State Bar of Michigan website.
- Rendering proposed formal advisory opinions for consideration by the Board of Commissioners.
- Update published opinions as rules, case law, and legislation are modified.
- Recommend amendments and provide comments to proposed amendments to the Michigan Code of Judicial Conduct and other standards of professional conduct that relate to judicial conduct, to the Board of Commissioners or Representative Assembly for consideration.
- Provide comments and recommend amendments to court rules or legislation affecting professional ethics that relate to judicial conduct and report such recommendations to the Board of Commissioners or Representative Assembly for consideration.
- Drafting resources relevant to professional ethics as it relates to judicial conduct, which are published on the State Bar of Michigan website.
- Consult with external stakeholders on various professional ethics topics.
- Consult with the Judicial Tenure Commission to discuss trends, data, and insights as it relates to judicial conduct and needed advisory guidance.
- Review and evaluate available metrics measuring the effectiveness of national and state efforts to reduce conduct subject to judicial discipline.

Note: Members are nominated by and drawn from among the membership of the judicial bench, Michigan Judges Association, the Michigan Probate Judges Association, the Michigan District Judges Association, the Michigan Association of District Court Magistrates, and the Referees Association of Michigan. Pursuant to operating rules adopted by the Board of Commissioners, informal ethics opinions and other general resources of this Committee are made public on the Committee's own initiative, without approval of the Board of Commissioners. This Committee may have more than 10 members.

Judicial Qualifications Committee

As requested by the Governor, evaluate candidates for possible appointment to judicial vacancies and report in confidence to the Governor.

Note: The evaluations of this committee are advisory only to the Governor and are not provided to, or subject to approval by, the Board of Commissioners or Representative Assembly. The chief staff attorney of the Attorney Grievance Commission serves as reporter for this committee. Chairs of the committee may serve more than three two- year terms. This committee may have more than 15 members.

Justice Initiatives Committee

Support the State Bar's access to justice efforts by:

- Developing and recommending proposals for proactive programs to benefit underserved populations, including the poor, racial and ethnic minorities, gender identity, juveniles, domestic violence survivors
- Supporting resources for civil legal aid programs
- Providing recommendations and support for the State Bar's pro bono legal services program
- Recommending John W. Cumiskey Award recipient
- Identifying the need for any workgroups to support the jurisdiction of the committee
- Conferring and coordinating regularly with the Access to Justice Policy and Affordable Legal Services committees on common strategic goals
- Identifying possible collaborations to support the committee's jurisdiction

Note: This committee may have more than 15 members and may include non-State Bar members.

Lawyers and Judges Assistance Committee

Propose and support measures to advance the well-being of lawyers, judges, and law students by:

- Recommending, developing, and supporting programs and educational presentations that provide assistance to law students, lawyers, and judges regarding substance use issues, mental health issues, and general wellness concerns.
- Reviewing and making recommendations concerning proposed statutes and court rules affecting assistance to lawyers and judges faced with personal and professional problems related to substance use and mental health issues.
- Monitoring national trends and data on attorney and judicial well-being.
- Determining how the committee's work might interact with and support work of the Professional Ethics, Judicial Ethics, Character and Fitness, and Client Protection Fund committees, including by conferring and coordinating regularly with them on trends, data, insights, and metrics.
- Being aware of and discussing metrics measuring the effectiveness of national and state efforts to reduce substance use and mental health issues in the legal profession.

Note: This committee may have more than 15 members and may include non-State Bar members.

Michigan Bar Journal Editorial Board

Provide editorial input and legal expertise to support the Board of Commissioners' publication of the *Michigan Bar Journal*, consistent with the State Bar's Strategic Plan by:

- Providing regular editorial assistance to State Bar of Michigan staff in their preparation of issues of the *Michigan Bar Journal* for publication.
- Encouraging and reviewing submissions to the *Michigan Bar Journal* to help select meaningful, substantive content for publication.
- Editing articles to ensure that content contains fair, well-written analysis that meets Michigan Bar Journal standards.
- Reviewing available metrics to ensure that the *Michigan Bar Journal* serves Michigan attorneys and advances the State Bar's Strategic Plan.

Past Presidents Advisory Council

Provide counsel and recommendations on all matters concerning the State Bar, at the request of the Board of Commissioners.

Note: The membership of the committee consists of all past presidents of the State Bar of Michigan.

Professional Ethics Committee

The Standing Committee on Professional Ethics offers analysis and guidance concerning the Michigan Rules of Professional Conduct, and, to the extent that they relate to attorney conduct in Michigan, provisions of the Michigan Code of Judicial Conduct, the ABA Model Rules of Professional Conduct, and other applicable professional conduct standards, as well as emerging issues of professional conduct affecting lawyers:

- Rendering informal advisory opinions on professional ethics, which are published on the State Bar of Michigan website.
- Rendering proposed formal advisory opinions on professional ethics for consideration by the Board of Commissioners.
- Update published opinions as rules, case law, and legislation are modified.
- Recommend amendments and provide comments to proposed amendments to the Michigan Rules of Professional Conduct and other standards of professional conduct that relate to lawyer conduct, to the Board of Commissioners or Representative Assembly for consideration.
- Provide comments and recommend amendments to court rules or legislation affecting professional ethics that relate to lawyer conduct and present recommendations to the Board of Commissioners or Representative Assembly for consideration.
- Drafting resources relevant to professional ethics as it relates to lawyer conduct, which are published on the State Bar of Michigan website.
- Consult with external stakeholders on various professional ethics topics.
- Consult with the Attorney Grievance Commission and the Attorney Discipline Board to discuss trends, data, and insights as it relates to lawyer conduct and advisory guidance.
- Review and evaluate available metrics measuring the effectiveness of national and state efforts to reduce conduct subject to professional discipline and promote professionalism and civility.

Note: Pursuant to operating rules adopted by the Board of Commissioners, informal ethics opinions and other general resources of this Committee are made public on the Committee's own initiative, without approval of the Board of Commissioners. This Committee may have more than 15 members.

Professionalism and Civility Committee

The Special Committee on Professionalism and Civility intends to be a resource to lawyers, judges, and those involved in the administration of justice to help promote the highest standards of personal conduct of lawyers and judges in the practice of law as articulated in Michigan Supreme Court Administrative Order No. 2020-23 - Professionalism Principles ("Professionalism Principles") and any subsequent orders.

The Special Committee will maintain an educational and promotional plan to (i) help ensure that the culture of the legal profession is consistent with the Professionalism Principles and (ii) secure commitments from those who participate in the legal profession to comply with the Professionalism Principles. The Committee will develop a consistent message to be used by the Committee and will enlist others to help educate and work with all stakeholders in the administration of justice, including lawyers, judges, court staff, law firms, public and private employers of lawyers, law students, law schools, applicants to be admitted to the State Bar of Michigan, and others who participate in the legal process, including members of the public.

Public Outreach and Education Committee

Support the public education services of the State Bar of Michigan

- Assisting in developing educational events and programs advancing lay understanding of law and the legal profession, with particular emphasis on community programs, including Law Day and Constitution Day
- Providing review and recommendations concerning the State Bar of Michigan's online resources available to the public
- Exploring and assessing opportunities for collaboration in public outreach consistent with SBM strategic goals with local bar associations, non-legal professional associations, and other external entities
- Recommending Michigan Legal Milestones that commemorate significant cases, events, places and people in the State's legal history, and upon approval of the Board of Commissioners, helping implement the milestone and its celebration
- Reviewing reports on effectiveness of public outreach programming based on evaluation metrics and utilizing these reports as a basis for recommending improvements in content, or modification or discontinuation of programs.

Note: This committee may have more than 15 members.

Unauthorized Practice of Law Committee

Provide advice on and support for the State Bar of Michigan's unauthorized practice of law responsibilities under Rule 16 of the Supreme Court Rules Concerning the State Bar of Michigan:

- Proposing and supporting measures to educate the public and the legal profession about unauthorized practice of law issues
- Providing guidance to the Board of Commissioners concerning matters involving the alleged unauthorized practice of the law (UPL), including recommendations on the filing and prosecuting of actions to enjoin the unauthorized practice of law.
- Proposing and advising on revisions to court rules and legislation related to the unauthorized practice of law
- Reviewing and evaluating metrics for measuring the effectiveness of efforts to carry out the responsibilities of the State Bar of Michigan under Rule 16, MCL 600.916, and MCL450.681

Notes: UPL activity of the State Bar of Michigan is subject to the ongoing oversight of the Michigan Supreme Court and recommendations of the committee on specific UPL prosecution must be approved by the Board of Commissioners. This committee may have more than 15 members.

United States Courts Committee

Provide advice and recommendations concerning the State Bar of Michigan's interaction with federal courts in Michigan and on practice of law in those courts by:

- Reviewing and making recommendations on proposed federal court rule amendments
- Proposing court rule, legislative, or policy changes to improve practice in federal courts in Michigan
- Developing and collaborating on projects and events focused on federal practice and the relationship between state and federal courts
- Identifying the need for any workgroups to support the jurisdiction of the committee
- Conferring and coordinating regularly with the Access to Justice Policy, Affordable Legal Services, and Online Legal Resource and Referral committees on common strategic goals
- Identifying possible collaborations to support

Note: This committee may have more than 15 members and may include non-State Bar members.

9. Audit and Finance

Presented by David C. Anderson

9.1. Finance Report

9.2. FY 2027 Preliminary Budget Summary

10. Professional Standards

Presented by Suzanne C. Larsen

11. For the Good of the Public and the Profession

11.1. Comments or Questions from Commissioners

11.2. Public Comment

Any member of the public who wishes to address the commissioners during public comment must sign up before 8:30 a.m. on the date of the meeting using the “Public Comment Sign Up” sheet available outside the meeting doors of the Grand Pavilion Room.

12. Adjournment