

final minutes

Criminal Justice Policy Commission Meeting

9:00 a.m. • Wednesday, July 5, 2017

Senate Appropriations Room • 3rd Floor State Capitol Building

100 N. Capitol Avenue • Lansing, MI

Members Present:

Senator Bruce Caswell, Chair
Stacia Buchanan
Senator Patrick Colbeck
D. J. Hilson
Kyle Kaminski
Sheryl Kubiak
Barbara Levine
Sarah Lightner
Sheriff Lawrence Stelma
Judge Paul Stutesman

Members Excused:

Representative Vanessa Guerra
Senator Bert Johnson
Laura Moody
Representative Jim Runestad
Jennifer Strange
Andrew Verheek
Judge Raymond Voet

I. Call to Order and Roll Call

The Chair called the meeting to order at 9:00 a.m. and asked the clerk to take the roll. A quorum was present, and absent members were excused.

II. Commendation of Sheriff Lawrence Stelma as the Michigan Sheriff's Association Sheriff of the Year Award Recipient

The Chair shared that Sheriff Lawrence Stelma was recently received the Michigan Sheriffs' Association Sheriff of the Year Award. He and the other Commission members congratulated him on receiving this honor.

III. Approval of June 7, 2017 Meeting Minutes

The Chair asked members if there were any corrections to the proposed June 7, 2017 CJPC meeting minutes. There were none. **Commissioner Kaminski moved, supported by Commissioner Lightner, to approve the minutes of the June 7, 2017 meeting as proposed. There was no further discussion. The minutes were approved by unanimous consent.**

IV. Progress Update from Hornby Zeller Associates, Inc. on Study of County Costs to Redirect 17-Year-Olds to Juvenile Justice System

Karen Hallenbeck from Hornby Zeller Associates, Inc. provided a progress report on the efforts made by her firm over the last month. She reported that the online surveys have been released and they are tracking those in process. To date, the sheriffs have 6 in process and 4 completed, the courts have 19 in process and 4 completed, and the prosecutors have 5 in process and 10 completed. Reminders of the July 10th completion date will be sent out. Commissioner Kubiak inquired about the number of surveys distributed and Ms. Hallenbeck responded that one survey has been sent out to each county, district court, and circuit court. She continued with news that the JDW data was received last week, another form was needed for the Atlas data, and work continues with MDOC for the Omni data. The Chair will contact Matt Lori from DHHS to assist in obtaining the Atlas data. Site visits to select counties will begin soon and Ms. Hallenbeck noted that they will get a list of counties they plan to visit to Grady Bridges by the end of the month for confirmation. Questions about noticeable trends and the length of time to complete the survey followed.

V. Status Update of Recommendation to the Legislature for Uniform Jail Management System

CJPC Data Administrator Grady Bridges reported that the presentation by Sheriff Blaine Koops of the Sheriffs' Association has been scheduled for the August meeting. The Chair noted that once Sheriff Koops presentation is made, Grady will be able to prepare a more concise summary of a recommendation for the September meeting.

Senator Colbeck provided an update on follow-up discussions on Senate Bill 11. He would like to send a copy of the latest substitute to Commission members. Commissioner Kubiak commented that it might be helpful to revisit the priorities and how they were established. The clerk will send a copy of the priorities document discussed at the December 2016 CJPC meeting to Commission members. A discussion followed. The Chair noted that he would prefer the Commission not take a position on the bill and asked that the Data Subcommittee look at the substitute and bring back comments to the next meeting. Commissioner Levine suggested it might also be useful to take the

priority list and match it to what data is available. The Chair asked members to review the priority list from the December meeting and identify the data sources that are needed for each priority. He asked members to send the information to Susan Cavanagh in one week and the information will be sent to Grady Bridges to determine which data sources are readily available and which are not. Sheriff Stelma commented that his jail management system is a jail management tool for him to use to manage his jail and is not meant or designed to be a data collection tool for the State. If there are data sets that are needed and not currently collected, he stressed there may be financial considerations to collect more data. The

VI. Data Subcommittee Update

Commissioner Kubiak reported that the contracts for the consultants for the study of 17-year-olds are in place and Grady is to push forward on a more comprehensive study of the straddle cells. Grady shared information on the type of data he has received and how he plans to proceed with answering questions on disparity and recidivism rates which includes initialing looking at the data we do have to answer the disparity questions and, in the interim, collecting the information needed for the recidivism questions. Grady then explained some of the information needed to determine recidivism rates. A discussion of adhering to the Commission's recidivism definition followed. Grady shared a handout that provided an overview of Michigan Sentencing Guidelines (see the attached which has been updated with information requested by Judge Stutesman.) Commissioner Kubiak suggested that the grid discussed at the July 2016 CJPC meeting be sent to the members. A link to the latest sentencing guidelines will also be shared with members. Judge Stutesman will bring a probation officer to the next meeting with a sample pre-sentence report to show what is involved in scoring.

VII. Bail Bond Reform Subcommittee Update

a. Proposed Recommendation Discussion

Commissioner Hilson presented a proposed subcommittee recommendation and welcomed any feedback and changes. The Chair read in the proposed recommendation as follows:

The Commission believes that the bail/bond system in Michigan should be fair to all while insuring court appearances, public safety, and protection of victims. The Commission recognizes that there are two sources of authority within the law in Michigan that the judiciary has to rely upon for guidance when setting bond in felony and/or misdemeanor criminal cases. One source is statutory, and the other via court rule. There is no data yet available to support which is better or which offers more guidance, despite courts across Michigan having the ability to collect data that would be essential to assessing any need for bail/bond reform. Therefore, the Commission recommends that the legislature examine and evaluate the pertinent data points involving bail/bond in Michigan courts, to help determine if the Michigan system is unfair, as well as whether there needs to be a universal collection and sharing of this data with judges, and whether there needs to be any policy changes in this area. Once this data is collected, the Commission recommends the creation of universal rules for judges to use in setting bail and bond, supported by data, and evidence-based practices.

Judge Stutesman moved, supported by Commissioner Hilson, to accept the proposed recommendation from the Bail Bond Reform Subcommittee. A discussion followed.

Alternative language was proposed.

Commissioner Buchanan proposed deleting "insuring" and inserting "ensuring" in the first sentence and deleting "felony and/or misdemeanor" in the second sentence.

Senator Colbeck remarked that he would like to see a statement added that statute trumps court rule. Judge Stutesman noted that this does not apply to court procedures and it may be better to add language that asks for clarification when the statute and the court rules differ. A discussion of the language to add followed.

Commissioner Levine proposed alternative language as follows:

The MI CJPC shares the growing public concern that a substantial number of people are being incarcerated prior to trial, despite being at low risk both to public safety and for failing to appear, solely because of their inability to post bond. If true, this would violate the constitutional prohibition on excessive bail, demonstrate a failure of trial judges to adhere to the detailed guidance provided by MCR 6.106 and add significantly to jail overcrowding and the costs of incarceration. The CJPC supports efforts to collect data about who pretrial detainees in Michigan are, their risk levels and the amount of bail that has been set by the courts and to use this data to improve pretrial release decisions.

Sheriff Stelma respectfully disagreed with the first sentence in Commissioner Levine's proposed language.

After further discussion, the subcommittee will rewrite the recommendation based on the suggestions made at today's meeting within two weeks and have it sent out to the members. The Chair requested members submit any comments or changes before the next meeting.

Commissioner Hilson moved, supported by Sheriff Stelma, to table the motion to accept the proposed recommendation from the Bail Bond Reform Subcommittee until the next CJPC meeting. There was no further discussion. The motion was unanimously adopted.

VIII. Mental Health Subcommittee Update

Commissioner Lightner reported that the mental health survey has been released.

IX. Commissioner Comments

The Chair asked if there were any comments from the Commissioners.

X. Public Comments

The Chair asked if there were any public comments. There were no public comments.

XI. Status of Senate Appropriations Room Teleconference Capability Upgrade

The Chair shared that the Senate is proceeding with the upgrade to improve the teleconference capabilities in the meeting room and it may be ready by the August meeting and definitely by the September meeting.

XII. Next CJPC Meeting Date

The next CJPC meeting is scheduled for **Wednesday, August 2, 2017, at 9:00 a.m. in the Senate Appropriations Room, 3rd Floor of the State Capitol Building.**

XIII. Adjournment

There was no further business. The Chair adjourned the meeting at 11:25 a.m.

(Minutes approved at the August 2, 2017 Criminal Justice Policy Commission meeting.)

Overview of Michigan Sentencing Guidelines Structure

As Presented in the Sentencing Guidelines Manual

Sentencing Guidelines are advisory

In 2015, the Michigan Supreme Court rendered the previously-mandatory sentencing guidelines advisory only. *People v Lockridge*, 498 Mich 358 (2015).

However, sentencing courts are still required to determine the applicable guidelines range and take it into account when imposing a sentence. Accordingly, the guidelines scoring content of this manual remains applicable, with the caveat that the calculated guidelines range is advisory rather than binding.

Sentencing Guidelines apply to felony offenses with indeterminate sentences

In general, the statutory sentencing guidelines apply only to felony offenses for which the penalty prescribed is an indeterminate sentence, and the sentencing court retains discretion in imposing an offender's sentence. That General Information and Instructions is, the guidelines are not applicable to offenses for which the applicable statute establishes a mandatory determinate penalty or a mandatory penalty of life imprisonment for conviction of the offense. MCL 769.34(5).

Sentencing Grids

There are nine different sentencing grids for all offenses to which the guidelines apply, one each for crimes in classes A, B, C, D, E, F, G, and H, and one for second-degree murder (M2). M2 and A represent the most serious felony offenses, while the letters B through H represent the remaining guidelines offenses in decreasing order of their seriousness. An offense's crime class roughly corresponds to a maximum term of imprisonment for all offenses in that same crime class.

Each sentencing grid is divided into "cells" corresponding to offense variable (OV) levels and prior record variable (PRV) levels. Cells are classified as one of three types (prison, straddle, or intermediate) as follows:

Prison cells are those cells for which the minimum sentence recommended exceeds one year of imprisonment. Prison cells are those cells that are unmarked in the sentencing grids, i.e., not shaded (as are straddle cells) and not asterisked (as are intermediate sanction cells). When an offender's OV and PRV levels place him or her in a prison cell, a minimum sentence within the range indicated in the cell is an appropriate sentence.

Straddle cells are those cells in which the lower limit of the recommended range is one year or less and the upper limit of the recommended range is more than 18 months. MCL 769.34(4)(c). Straddle cells appear shaded in the sentencing grids. When an offender's OV and PRV levels place him or her in a straddle cell, a minimum sentence within the range indicated in the cell OR an intermediate sanction (which may include a jail term of not more than 12 months) is an appropriate sentence.

Intermediate sanction cells are those cells in which the upper limit recommended by the guidelines is 18 months or less. MCL 769.34(4)(a). These cells are marked with an asterisk in the sentencing grids. When an offender's OV and PRV levels place him or her in an intermediate sanction cell, an intermediate sanction (which may include a jail term of 0-12 months or the cell maximum, whichever is less) is an appropriate sentence.

Prior Record Variables

There are seven Prior Record variables (PRV) that are scored for all offenses. PRVs 1 through 6 refer only to an offender's prior convictions. Concurrent and subsequent convictions are scored in PRV 7. Each PRV consists of several statements to which a specific number of points are assigned. For example:

PRV 1 - Prior High Severity Felony Convictions

POINTS	THE OFFENDER HAS:
75	3 or more prior high severity felony convictions. MCL 777.51(1)(a).
50	2 prior high severity felony convictions. MCL 777.51(1)(b).
25	1 prior high severity felony conviction. MCL 777.51(1)(c).
0	No prior high severity felony convictions. MCL 777.51(1)(d).

The total number of points assessed for all seven PRVs is the offender's "PRV level" and corresponds to the horizontal axis of the appropriate sentencing grid. An offender's PRV level is designated by capital letters from A to F according to the offender's PRV point total.

Offense Variables

In total there are 20 Offense variables (OV), however not all 20 OVs are scored for each sentencing offense. The crime group of the sentencing offense determines which offense variables (OVs) must be scored. The offenses to which the guidelines apply are sorted into six crime groups (MCL 777.5(a)-(f)):

- Crimes against a person ("Person")
- Crimes against public order ("Pub ord")
- Crimes against property ("Property")
- Crimes against public safety ("Pub saf")
- Crimes involving a controlled substance ("CS")
- Crimes against public trust ("Pub trst")

The total number of points assessed for the OVs is the offender's "OV level" and corresponds to the vertical axis of the appropriate sentencing grid. An offender's OV level is designated by roman numerals from I to VI according to the offender's PRV point total.

Determining Recommended Range

An offender's recommended minimum sentence range is indicated by the numeric range in the cell located at the intersection of the offender's "OV level" (vertical axis) and "PRV level" (horizontal axis) on the appropriate sentencing grid. The recommended minimum sentence in each cell is expressed by a range of numbers (in months) or life imprisonment ("L").

Sentencing Grid for Class D Offenses—MCL 777.65

Includes Ranges Calculated for Habitual Offenders (MCL 777.21(3)(a)-(c))

OV Level	PRV Level											Offender Status
	A 0 Points		B 1-9 Points		C 10-24 Points		D 25-49 Points		E 50-74 Points		F 75+ Points	
I 0-9 Points	0	6*	0	9*	0	11*	0	17*	5	23	10	23
		7*		11*		13*		21		28		28
		9*		13*		16*		25		34		34
		12*		18*		22		34		46		46
II 10-24 Points	0	9*	0	11*	0	17*	5	23	10	23	19	38
		11*		13*		21		28		28		47
		13*		16*		25		34		34		57
		18*		22		34		46		46		76
III 25-34 Points	0	11*	0	17*	5	23	10	23	19	38	29	57
		13*		21		28		28		47		71
		16*		25		34		34		57		85
		22		34		46		46		76		114
IV 35-49 Points	0	17*	5	23	10	23	19	38	29	57	34	67
		21		28		28		47		71		83
		25		34		34		57		85		100
		34		46		46		76		114		134
V 50-74 Points	5	23	10	23	19	38	29	57	34	67	38	76
		28		28		47		71		83		95
		34		34		57		85		100		114
		46		46		76		114		134		152
VI 75+ Points	10	23	19	38	29	57	34	67	38	76	43	76
		28		47		71		83		95		95
		34		57		85		100		114		114
		46		76		114		134		152		152

Sentencing Grids

† Certain fourth habitual offenders may be subject to a mandatory minimum sentence of 25 years' imprisonment. See MCL 769.12(1)(a).

Intermediate sanction cells are marked by asterisks, straddle cells are shaded, and prison cells are unmarked.

The statutory percentage increases for habitual offenders are rounded down to the nearest whole month.
 The cell range may be less than the maximum possible minimum sentence by a fraction of a month.

Class D Offenses

Lightly shaded lines indicate that the statute governing the felony offense described on that line has been amended, deleted, or replaced.
*For ease of reference, offense descriptions on this table may not correspond precisely with the descriptions contained in the guidelines.
**Unless otherwise note, the date on which the statutory guidelines were made applicable to the felony offense listed is 1/1/99

Felonies		by MCL #	Group	Class	Description*	Stat Max	Date Offense Added to Guidelines**
MCL 777.11a							
	18	386 (1) (d)	Property	D	False presentation to crime victim services commission to obtain \$20,000 or more or with prior convictions	10	1/1/2002
MCL 777.11b							
	28	293 (2)	Pub ord	D	False information when applying for state ID – second offense	7	
	28	295 (1) (a)	Pub ord	D	Counterfeiting or forging state ID card or using counterfeited or forged state ID card to commit felony punishable by imprisonment for 10 years or more	10	9/1/2004
	28	729 (1) (b)	Pub ord	D	Failure to register as a sex offender, second offense	7	9/1/1999
	28	729 (1) (c)	Pub ord	D	Failure to register as a sex offender, third or subsequent offense	10	9/1/1999
MCL 777.11c							
	125	1447 (1) (d)	Property	D	False pretenses under state housing development act involving \$20,000 or more or with prior convictions	10	1/1/2002
MCL 777.11d							
	257	310 (7) (a)	Pub ord	D	Forging driver license with intent to commit crime punishable by 10 years or more	10	4/22/2002
MCL 777.12e							
	257	602 a (4)	Person	D	Second degree fleeing and eluding	10	Amended, 2011 PA 59, Eff. 7/1/2011
	257	616 a (2) (d)	Person	D	Using a signal preemption device causing serious impairment of a body function	10	6/14/2004
MCL 777.12f							
	257	625 (5) (b)	Person	D	Operating a vehicle with alcohol content of 0.17 grams or more with prior conviction and causing serious impairment	10	As amended, 2014 PA 220, Eff. 9/24/14
	257	625 k (7)	Pub saf	D	Knowingly providing false information concerning an ignition interlock device	10	10/1/2000
	257	625 k (9)	Pub saf	D	Failure to report that an ignition interlock device does not meet legal requirements	10	10/1/2000
	257	625 k (9)	Pub saf	D	Failure to report illegal ignition interlock device	10	10/1/2001
	257	625 q (3)	Pub saf	D	Knowingly providing false information concerning an ignition interlock device	10	Renumbered, 2016 PA 34, Eff. 6/8/16
	257	625 q (5)	Pub saf	D	Failure to report illegal ignition interlock device	10	Renumbered, 2016 PA 34, Eff. 6/8/16
MCL 777.12g							
	257	744 a	Pub saf	D	False statement in citation – perjury	15	
MCL 777.12h							
	257	903 (3)	Property	D	Motor vehicle code – false certification – third or subsequent offense	15	
MCL 777.12k							
	259	80 f (3)	Pub saf	D	Possessing weapon in sterile area of commercial airport	10	3/31/2003
	259	83 b (2) (c)	Pub saf	D	Conducting flight operations without certificate – third or subsequent violation	10	3/31/2003
MCL 777.12m							
	285	279 (2) (d)	Property	D	False pretenses under Michigan family farm development act involving \$20,000 or more or with prior convictions	10	2/1/2002
MCL 777.13b							
	324	2157 (1) (d)	Property	D	Damage to state property involving \$20,000 or more or with prior convictions	10	1/1/2002
MCL 777.13e							
	324	51512	Pub saf	D	Willfully setting forest fires	10	
	324	52908 (1) (d)	Property	D	Damage to plant involving \$20,000 or more (1) or with prior convictions	10	1/1/2002
MCL 777.13g							
	324	76107 (3)	Pub ord	D	Removing or mutilating human body from Great Lakes bottomland	10	1/1/2002

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Data Subcommittee Update
Information from CJPC Data Administrator Grady Bridges

	324	76107 (4) (d)	Property	D	Recovering abandoned property in Great Lakes having value of \$20,000 or more or with prior convictions	10	1/1/2002
MCL 777.13m							
	333	7340 c	CS	D	Soliciting another person to purchase or obtain ephedrine or pseudoephedrine to manufacture methamphetamine	10	1/1/2015
	333	7340 c (2)	CS	D	Soliciting another person to purchase or obtain ephedrine or pseudoephedrine to manufacture methamphetamine	10	Renumbered, 2016 PA 126, Eff. 8/23/16
	333	7401 (2) (a) (iv)	CS	D	Deliver or manufacture of less than 50 grams of certain schedule 1 or 2 controlled substances	20	
	333	7401(2)(d)(ii)	CS	D	Delivery or manufacture of 5-45 kilos of marijuana	7	
	333	7401 (2) (d) (ii)	CS	D	Delivery or manufacture of 5 or more but less than 45 kilograms of marijuana marijuana or synthetic equivalents of marijuana	7	404466 As amended, 2016 PA
	333	7401 (2) (f)	CS	D	Delivery or manufacture of an official or counterfeit prescription form	20	Deleted, 2001 PA 236, Eff. 1/6/2003
	333	7401 (2) (f)	CS	D	Delivery or manufacture of prescription or counterfeit form other than official	7	1/6/2003
	333	7401 (2) (f)	CS	D	Delivery or manufacture of prescription form or counterfeit prescription form	7	3/1/2003
	333	7401 (2) (g)	CS	D	Delivery or manufacture of prescription or counterfeit form (other than official)	7	Rewritten as 7401(2)(f), 2001
	333	7401 c (2) (a)	CS	D	Operating or maintaining controlled substance laboratory	10	1/1/2001
	333	7402 (2) (a)	CS	D	Delivery or manufacture of an imitation controlled substance	10	
	333	7402 (2) (a)	CS	D	Delivery or manufacture of certain imitation controlled substances	10	1/1/2001
	333	7402 (2) (a)	CS	D	Delivery or manufacture of certain counterfeit controlled substances	10	9/30/2010
	333	7403 (2) (b) (i)	CS	D	Possession of methamphetamine	10	1/1/2001
	333	7403 (2) (b) (i)	CS	D	Possession of methamphetamine or 3, 4-methylenedioxymethamphetamine	10	4/1/2003
MCL 777.13o							
	333	20153	Pub saf	D	Reuse of single-use medical device	10	3/26/2010
MCL 777.14a							
	400	609	Property	D	Medicaid fraud – fourth or subsequent offense	10	
MCL 777.14b							
	409	122 (3)	Person	D	Employment of children in child sexually abusive activity	20	
MCL 777.14d							
	432	218	Pub ord	D	Casino gaming offenses	10	
MCL 777.14f							
	436	1701 (2)	Person	D	Selling alcohol to a minor and causing death	10	
MCL 777.14h							
	445	65	Pub ord	D	Identity theft – second offense	10	4/1/2011
	445	67	Pub ord	D	Obtain/possess/sell/transfer personal identifying info of another/falsify police report - intent to commit identity theft – second offense	10	4/1/2011
	445	1528	Pub trst	D	Pyramid/chain promotions – offer or sell	7	Reworded, 2010 PA 317, Eff. 4/1/11
	445	1528	Pub trst	D	Offer or sale of franchise through pyramid or chain promotion	7	As amended, 2010 PA 317, Eff. 4/1/11
MCL 777.15a							
	500	4511 (2)	Pub trst	D	Insurance fraud – agreement or conspiracy to commit	10	
MCL 777.15b							
	570	1110 (11) (d)	Property	D	Contractor – false sworn statement involving \$20,000 or more or with prior convictions	10	1/1/02; as amended, 2010 PA 152, Eff.
	570	1110 (d)	Property	D	Contractor – false sworn statement involving \$20,000 or more or with prior convictions	10	1/1/02; renumbered, 2010 PA 152, Eff.
MCL 777.16a							
	750	13	Person	D	Enticing female under 16 for immoral purposes	10	
MCL 777.16b							
	750	49 (10)	Person	D	Fighting animal attacking without provocation and death resulting	15	
MCL 777.16c							

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	750	73	Property	D	Arson of real property	10	
	750	74	Property	D	Third degree arson	10	As amended, 2013 PA 124, Eff. 10/1/13
	750	74 (1) (d)	Person	D	Arson of personal property of \$20,000 or more or with prior convictions	10	Deleted, 2012 PA 534, Eff. 4/3/2013
	750	76 (3) (c)	Property	D	Arson of insured personal property	10	4/3/2013
	750	77 (1) (d)	Person	D	Preparing to burn personal property of \$20,000 or more or with prior convictions	10	Deleted, 2012 PA 534, Eff. 4/3/2013
	750	79 (1) (d)	Property	D	Preparing to burn with intent to commit arson of \$20,000, or more, or with 2 or more prior convictions, or with intent to commit insurance fraud, or causing injury	10	As amended, 2014 PA 112, Eff. 7/9/14
MCL 777.16d							
	750	84	Person	D	Assault with intent to do great bodily harm less than murder	10	
	750	84 (1) (a)	Person	D	Assault with intent to do great bodily harm less than murder	10	As amended, 2012 PA 385, Eff. 4/1/13
	750	84 (1) (b)	Person	D	Assault by strangulation or suffocation	10	4/1/2013
	750	86	Person	D	Assault with intent to maim	10	
	750	87	Person	D	Assault with intent to commit a felony	10	
	750	90	Person	D	Sexual intercourse under pretext of medical treatment	10	
	750	90 b (b)	Person	D	Assault against a pregnant individual resulting in great bodily harm to embryo or fetus	10	10/1/2000
MCL 777.16f							
	750	110	Property	D	Breaking and entering with intent to commit felony or larceny	10	
	750	118	Pub trst	D	Public officer accepting bribe	10	
	750	119 (1) (b)	Pub trst	D	Bribing a juror or other person in case punishable by more than 10 years	10	3/28/2001
	750	120 a (2) (b)	Pub ord	D	Juror intimidation in case punishable by more than 10 years	10	3/28/2001
	750	120 a (4)	Person	D	Retaliating against juror	10	3/28/2001
	750	122 (7) (b)	Pub ord	D	Bribing or intimidating witness in case punishable by more than 10 years	10	3/28/2001
	750	122 (8)	Person	D	Retaliating against witness	10	3/28/2001
MCL 777.16g							
	750	135	Person	D	Exposing children with intent to injure or abandon	10	
	750	135 a (2) (c)	Person	D	Leaving child unattended in vehicle resulting in serious physical harm	10	4/1/2009
	750	138 d (1) (b)	Person	D	Second degree child abuse in presence of another child – first offense	10	7/1/2012
	750	145 b	Person	D	Accosting children for immoral purposes with prior conviction	10	6/1/2002
	750	145 c (3)	Person	D	Distributing, promoting, or financing the distribution of child sexually abusive activity or material	7	As amended, 2012 PA 195, Eff. 7/1/12
	750	145 d (2) (d)	Variable	D	Using internet/computer for crime punishable by max term at least 4 yrs but less than 10 yrs	10	10/1/2000
MCL 777.16h							
	750	157 w (1) (d)	Property	D	Fraudulently withdrawing or transferring \$20,000 or more with financial transaction device	10	10/1/2000
MCL 777.16i							
	750	160	Pub ord	D	Disinterring or mutilating dead human bodies	10	
	750	160	Pub ord	D	Disinterring or mutilating dead human body	10	4/1/2004
	750	160 c	Pub ord	D	Improper disposal of dead human body after more than 180 days	10	4/1/2004
	750	174	Property	D	Embezzlement by agent over \$100	10	
	750	174 (5)	Property	D	Embezzlement by agent of \$20,000 or more or \$1,000 to \$20,000 with prior convictions	10	10/1/2000
	750	174 (5)	Property	D	Embezzlement by agent of \$20,000 to \$50,000, or with prior convictions, or of \$1,000 to \$20,000 from nonprofit corporation or charitable organization	10	As amended, 2012 PA 8, Eff. 2/14/12
	750	174 a (5)	Property	D	Embezzlement from vulnerable adult of \$20,000 or more or with prior convictions	10	As amended, 2012 PA 8, Eff. 2/14/12
	750	174 a (5)	Property	D	Embezzlement from vulnerable adult of \$20,000 to \$50,000 or with prior convictions	10	As amended, 2012 PA 8, Eff. 2/14/12
	750	175	Pub trst	D	Embezzlement by public officer of more than \$50	10	As amended, 2012 PA 8, Eff. 2/14/12
	750	177 (2)	Property	D	Embezzlement by chattel mortgagor of \$20,000 or more or with prior convictions	10	As amended, 2012 PA 8, Eff. 2/14/12

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	750	180	Property	D	Embezzlement by financial institution	20	As amended, 2012 PA 6, Eff. 2/14/12
	750	181 (5)	Property	D	Embezzling jointly held property with value of \$20,000 or more or with prior convictions	10	As amended, 2012 PA 6, Eff. 2/14/12
MCL 777.16k							
	750	200 j (2) (c)	Person	D	Irritant or irritant device causing personal injury	10	10/1/2000
	750	209 a	Pub saf	D	Possessing an explosive device in public place	10	10/1/2000
MCL 777.16l							
	750	218 (5)	Property	D	False pretenses involving \$20,000 or more or \$1,000 to \$20,000 with prior convictions	10	10/1/2000
	750	219 a (2) (d)	Property	D	Telecommunications fraud – 3 or more prior convictions or value over \$20,000	10	
	750	219 a (2) (d)	Property	D	Telecommunications fraud - 2 or more prior convictions or value of \$20,000 or more	10	10/1/2000
MCL 777.16m							
	750	223 (3)	Pub ord	D	Sale of firearm to person prohibited from possessing	10	
	750	234 a (1) (a)	Pub saf	D	Discharging firearm from vehicle	10	As amended, 2014 PA 192, Eff. 9/22/14
	750	234 b (1)	Pub saf	D	Discharging firearm at a dwelling or potentially occupied structure	10	As amended, 2014 PA 192, Eff. 9/22/14
	750	234 b (2)	Pub saf	D	Discharging firearm in a dwelling or potentially occupied structure	10	As amended, 2014 PA 192, Eff. 9/22/14
MCL 777.16r							
	750	356 (2)	Property	D	Larceny involving \$20,000 or more or with prior convictions	10	10/1/2000
	750	356 a (2) (d)	Property	D	Breaking and entering a vehicle to steal \$20,000 or more or with prior convictions	10	10/1/2000
	750	357	Person	D	Larceny from the person	10	
	750	362	Property	D	Larceny by conversion involving \$20,000 or more or with prior convictions	10	10/1/2000
	750	362 a (2)	Property	D	Larceny of rental property involving \$20,000 or more or with prior convictions	10	10/1/2000
	750	363	Property	D	Larceny by false personation involving \$20,000 or more	10	10/1/2000
	750	365	Person	D	Larceny from car or persons detained or injured by accident	20	
	750	367	Property	D	Larceny of a tree or shrub involving \$20,000 or more or with prior convictions	10	10/1/2000
MCL 777.16s							
	750	377 a (1) (a)	Property	D	Malicious destruction of personal property involving \$20,000 or more or with prior convictions	10	10/1/2000
	750	380 (2)	Property	D	Malicious destruction of building involving \$20,000 or more or with prior convictions	10	10/1/2000
	750	382 (1) (d)	Property	D	Malicious destruction of plants or turf involving \$20,000 or more or with prior convictions	10	10/1/2000
	750	385 (2) (f)	Person	D	Damaging or destroying research property resulting in serious impairment of body function	10	Eff. 4/1/05 to 9/14/05
	750	387 (6)	Property	D	Malicious destruction of a tomb or memorial involving \$20,000 or more or with prior convictions	10	10/1/2000
	750	394 (2) (d)	Person	D	Throwing or dropping dangerous object at vehicle causing serious impairment	10	1/1/2004
	750	395 (2) (f)	Person	D	Damaging or destroying research property resulting in serious impairment of body function	10	Replaced MCL 750.385(2)(f).
	750	397	Person	D	Mayhem	10	
	750	397 a	Person	D	Placing harmful objects in food	10	
MCL 777.16t							
	750	411 a (1) (d)	Person	D	False report of crime resulting in serious impairment of body function	10	1/1/2013
	750	411 a (3) (b)	Pub ord	D	Threat/false report of explosive or harmful device/substance/material – subsequent offense	10	4/1/2001
	750	411 a (4) (c)	Person	D	False report of medical or other emergency resulting in serious impairment of body function	10	1/1/2013
	750	411 i (3) (b)	Person	D	Aggravated stalking of a minor	10	
	750	411 n	Pub ord	D	Second degree money laundering	10	As amended, 2012 PA 332, Eff. 1/1/13
	750	411 p (2) (b)	Property	D	Money laundering proceeds from controlled substance offense/other proceeds of \$10,000+	10	
MCL 777.16v							
	750	430 a	Person	D	Human cloning	10	10/1/2000
	750	436 (3)(b)	Pub ord	D	False report of poisoning food, drink, medicine, or water supply with prior conviction	10	4/22/2002

July 5, 2017 CJPC Meeting Minutes Attachment
Data Subcommittee Update
Information from CJPC Data Administrator Grady Bridges

	750	462 h (2)	Person	D	Human trafficking - recruit minor for forced labor	10	Deleted, 2014 PA 327, Eff. 1/14/2015
	750	462 j (1) (a)	Person	D	Providing or obtaining labor or services of another person by force, fraud, or coercion	10	Deleted, 2014 PA 327, Eff. 1/14/2015
	750	462 j (2) (a)	Person	D	Recruiting or transporting person for labor or services	10	Deleted, 2014 PA 327, Eff. 1/14/2015
MCL 777.16x							
	750	479 (4)	Person	D	Assaulting or obstructing certain officials causing serious impairment	10	7/15/2002
	750	479 b (2)	Person	D	Disarming peace officer – firearm	10	
	750	483 a (2) (b)	Person	D	Retaliating for reporting crime	10	3/28/2001
	750	483 a (2) (b)	Person	D	Retaliating for reporting crime punishable by more than 10 years	10	7/15/2002
	750	483 a (2) (b)	Person	D	Withholding evidence/preventing/retaliating for reporting crime punishable by more than 10 yrs	10	As amended, 2006 PA 40, Eff. 3/2/06
	750	483 a (4) (b)	Person	D	Interfering with police investigation by committing crime or threatening to kill or injure	10	7/15/2002
	750	483 a (6) (b)	Pub ord	D	Tampering with evidence in case punishable by more than 10 years	10	3/28/2001
	750	483 a (6) (b)	Pub ord	D	Tampering with evidence/offering false evidence in case punishable by more than 10 years	10	As amended, 2006 PA 40,
MCL 777.16y							
	750	520 g (1)	Person	D	Assault with intent to commit sexual penetration	10	
MCL 777.16z							
	750	535 (2)	Property	D	Receiving/concealing stolen property having a value of \$20,000 or more or with priors	10	10/1/2000
	750	535 (8)	Property	D	Receiving or concealing stolen motor vehicle – second or subsequent offense	10	3/31/2015
	750	535 a (2)	Pub ord	D	Operating a chop shop	10	10/1/2000
	750	535 a (3)	Pub ord	D	Operating a chop shop – subsequent violation	10	10/1/2000
MCL 777.16aa							
	750	539 k (5) (b)	Property	D	Illegally recording personal identifying information from financial transaction device transaction – second offense	10	4/1/2014
	750	540 g (1) (d)	Property	D	Diverting telecommunications services having a value of \$20,000 or more or with priors	10	
MCL 777.17b							
	752	541	Pub saf	D	Riot	10	
	752	542	Pub saf	D	Incitement to riot	10	
	752	542 a	Pub saf	D	Riot in state correctional facilities	10	
MCL 777.17c							
	752	797 (1) (d)	Property	D	Computer fraud – 3 or more prior convictions or value of \$20,000 or more	10	
	752	797 (2) (b)	Property	D	Unlawfully accessing computer, computer system, or computer program, with prior conviction	10	10/1/2000
	752	797 (3) (d)	Variable	D	Using computer for crime punishable by maximum term of at least 4 yrs but less than 10 yrs	7	10/1/2000
	752	797 (3) (e)	Variable	D	Using computer for crime punishable by maximum term of at least 10 yrs but less than 20 yrs	10	10/1/2000
MCL 777.17d							
	752	1006	Property	D	Health care fraud – subsequent offense	20	

The following is a draft of the bail/bond subcommittee recommendation to be sent to the full commission. We will further discuss at our July meeting. Thank you.



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The Criminal Justice Policy Commission makes the following recommendation in relation to bail/bond:

The Commission believes that the bail/bond system in Michigan should be fair to all while insuring court appearances, public safety, and protection of victims. The Commission recognizes that there are two sources of authority within the law in Michigan that the judiciary has to rely upon for guidance when setting bond in felony and/or misdemeanor criminal cases. One source is statutory, and the other via court rule. There is no data yet available to support which is better or which offers more guidance, despite courts across Michigan having the ability to collect data that would be essential to assessing any need for bail/bond reform. Therefore, the Commission recommends that the legislature examine and evaluate the pertinent data points involving bail/bond in Michigan courts, to help determine if the Michigan system is unfair, as well as whether there needs to be a universal collection and sharing of this data with judges, and whether there needs to be any policy changes in this area. Once this data is collected, the Commission recommends the creation of universal rules for judges to use in setting bail and bond, supported by data, and evidence-based practices.

Commissioner Feedback

Commissioner Lightner: I think it's really good DJ. I would like to see it say universal rules that are consistent statutorily and in accordance to Michigan court rules or something to that effect.