

2012 CRIME LEGISLATION UPDATE

An Outline of Recently Passed Legislation From January 1 to December 31, 2012.

This outline is a summary of 176 Public Acts passed in 2012 affecting the criminal justice system. Some of the public acts are short and simple, others are very complex. Because this outline is a summary, I may have occasionally used ambiguous terms, or not completely covered every aspect of the law. You should carefully review the complete text of any public act listed in this outline before taking action regarding that new law. The outline is divided into the following sections:

I. NEW CRIMES & PENALTIES

II. CHILDREN

III. CONTROLLED SUBSTANCES

IV. CRIMINAL PROCEDURE

V. ELDER ABUSE

VI. VEHICLES

VII. VICTIM RIGHTS

VIII. MISCELLANEOUS

Copies of legislation may be obtained at <http://www.legislature.mi.gov/>

Prepared by:

Thomas M. Robertson
Executive Secretary
Prosecuting Attorneys Coordinating Council
January 24, 2013

INDEX

| | |
|--|-----------|
| I. NEW CRIMES & PENALTIES | 8 |
| A. ANIMAL FIGHTING | 8 |
| B. ARSON | 8 |
| 1. FIRST DEGREE ARSON | 8 |
| 2. SECOND DEGREE ARSON | 8 |
| 3. THIRD DEGREE ARSON | 8 |
| 4. FOURTH DEGREE ARSON | 8 |
| 5. FIFTH DEGREE ARSON | 9 |
| 6. ARSON OF AN INSURED DWELLING | 9 |
| 7. ARSON OF INSURED REAL PROPERTY | 9 |
| 8. ARSON OF INSURED PERSONAL PROPERTY | 9 |
| 9. ARSON OF PROPERTY WITH A VALUE BETWEEN \$200 - \$1,000 | 10 |
| 10. ARSON OF PROPERTY WITH A VALUE UNDER \$200 | 10 |
| 11. CARELESSLY SETTING FIRE TO A HOTEL | 10 |
| 12. PLACING INFLAMMABLE MATERIALS TO COMMIT ARSON | 10 |
| C. AUTOMATED SALES SUPPRESSION DEVICES | 11 |
| D. BOATING | 11 |
| E. CAMPAIGN FINANCE ACT | 11 |
| 1. AG ENFORCEMENT | 11 |
| 2. LEGAL DEFENSE EXPENDITURES | 12 |
| 3. NOT FILING STATEMENTS FOR 2 CONSECUTIVE YEARS | 12 |
| F. CELL PHONES | 12 |
| 1. PRISONS | 12 |
| 2. JAILS | 12 |
| G. COMPUTER CRIMES | 12 |
| H. DEAD BODIES | 12 |

| | |
|--|-----------|
| I. DISTURBING RELIGIOUS MEETINGS | 12 |
| J. DOMESTIC VIOLENCE | 13 |
| K. ELECTIONS | 13 |
| 1. OFFICIAL’S NAME ON BALLOT RELATED MATERIAL | 13 |
| 2. OFFICIAL’S NAME POSTED AT POLLING PLACE | 13 |
| 3. PAYING FOR VOTER REGISTRATIONS | 13 |
| L. FALSE POLICE OR EMERGENCY REPORTS | 13 |
| M. FIREWORKS | 14 |
| N. FLEEING AND ELUDING | 14 |
| 1. VESSELS | 14 |
| 2. INCREASED PENALTIES | 14 |
| O. FUNERAL PROTESTS | 15 |
| P. INSURANCE FRAUD | 15 |
| Q. INTERNET PRIVACY | 15 |
| R. LIVESTOCK DEALER ACT | 15 |
| S. LYING TO A POLICE OFFICER | 15 |
| T. MARINE SAFETY | 16 |
| 1. PERSONAL FLOATATION DEVICES | 16 |
| 2. BARGES | 16 |
| 3. STOPPING A VESSEL | 16 |
| U. ORGANIZED RETAIL CRIME | 16 |
| V. PERJURY | 17 |
| W. PLASTIC BULK MERCHANDISE CONTAINERS | 17 |
| X. SECURITY ALARMS | 18 |
| Y. STRANGULATION | 18 |
| Z. TASERS | 18 |
| AA. UNEMPLOYMENT COMPENSATION FRAUD | 18 |

| | |
|---|-----------|
| BB. VIOLENT HABITUAL OFFENDERS | 18 |
| CC. WORK RELEASE | 20 |
| II. CHILDREN | 21 |
| A. CHILD ABUSE | 21 |
| B. CHILD PROTECTIVE PROCEEDINGS | 21 |
| C. CHILD SEXUALLY ABUSIVE MATERIAL | 21 |
| D. CHILD SUPPORT | 22 |
| E. CSC | 22 |
| F. EMERGENCY REMOVAL | 22 |
| G. JUVENILE COMPETENCY | 22 |
| H. JUVENILE EXPUNGEMENT | 24 |
| I. MICHIGAN INDIAN FAMILY PRESERVATION ACT | 25 |
| J. PARENTING TIME | 25 |
| K. PATERNITY | 25 |
| L. SEXUAL ABUSE TASK FORCE | 25 |
| III. CONTROLLED SUBSTANCES | 26 |
| A. EMERGENCY SCHEDULING | 26 |
| B. MEDICAL MARIHUANA | 26 |
| 1. ARREST IMMUNITY | 26 |
| 2. BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP | 26 |
| 3. CARE GIVERS | 26 |
| 4. ENCLOSED LOCKED FACILITY | 26 |
| 5. MEDICAL REVIEW PANEL | 27 |
| 6. PERSONAL PROTECTION INSURANCE BENEFITS | 27 |
| 7. PROOF OF RESIDENCY | 27 |
| 8. SENTENCING GUIDELINES | 27 |

| | |
|---|-----------|
| 9. TRANSPORTING | 27 |
| 10. WORKER'S COMP | 27 |
| C. PRESCRIPTIONS | 27 |
| 1. ELECTRONIC PRESCRIPTION SYSTEM..... | 27 |
| 2. UNUSED PRESCRIPTIONS | 27 |
| D. SYNTHETIC MARIJUANA AND BATH SALTS | 27 |
| IV. CRIMINAL PROCEDURE | 28 |
| A. ANIMAL FIGHTING | 28 |
| B. BIOMETRIC DATA | 28 |
| C. BOOT CAMPS | 28 |
| D. DEFERRED CONVICTIONS | 28 |
| E. INTERROGATIONS | 28 |
| F. MIP | 29 |
| G. NOTARY PUBLIC | 29 |
| H. PAROLEE SEARCHES | 29 |
| I. SECURITY GUARDS | 30 |
| J. STATUTE OF LIMITATIONS | 30 |
| K. SWIFT AND SURE SANCTIONS | 30 |
| V. ELDER ABUSE | 31 |
| A. ANNUITIES | 31 |
| B. CONSERVATOR BONDS | 31 |
| C. CRIMINAL COMPLAINTS | 31 |
| D. DISINHERITING THE ABUSER | 31 |
| E. ELDER DEATH REVIEW TEAMS | 32 |
| F. FINANCIAL EXPLOITATION | 32 |
| G. MEDICAL ALERT ACT | 32 |

| | |
|--|-----------|
| H. MODEL INVESTIGATIVE PROTOCOL | 32 |
| I. MORTGAGING/PLEDGING PROPERTY | 32 |
| J. NURSING HOME REPORTS | 33 |
| K. POWER OF ATTORNEY | 33 |
| L. PROTECTED INDIVIDUAL’S BILL OF RIGHTS | 33 |
| M. TESTIMONIAL PROTECTIONS | 34 |
| VI. VEHICLES | 35 |
| A. CELL PHONES | 35 |
| B. COMMERCIAL DRIVERS’ LICENSES | 35 |
| C. DRIVER RESPONSIBILITY FEES | 35 |
| D. MOTORCYCLE HELMETS | 35 |
| E. OPEN INTOX IN A VEHICLE | 35 |
| F. OWI | 35 |
| 1. HIGH BAC ORDINANCES | 35 |
| 2. HUFFING | 35 |
| G. PHYSICIAN REPORTS | 35 |
| H. RECREATIONAL VEHICLES | 36 |
| I. RESTRICTED LICENSES | 36 |
| J. SNOW REMOVAL VEHICLES | 36 |
| VII. VICTIM RIGHTS | 37 |
| A. PAROLE | 37 |
| B. PRISONERS POSSESSING VICTIM ITEMS | 37 |
| C. PRIVACY FOR CHILD VICTIMS | 37 |
| VIII. MISCELLANEOUS | 38 |
| A. ALCOHOL | 38 |
| B. ASSISTANT PROSECUTORS | 38 |

| | |
|---|-----------|
| C. BURNING HOUSEHOLD WASTE | 38 |
| D. COURT CONCURRENT JURISDICTION PLANS | 38 |
| E. FINGERPRINTING FEES | 38 |
| F. FIREARMS | 38 |
| 1. CCW | 38 |
| 2. OUT OF STATE PURCHASES | 38 |
| 3. PISTOL PURCHASE PERMITS | 38 |
| 4. PISTOL SIZE | 38 |
| 5. SPORTING CLAYS | 38 |
| 6. TRANSPORTING | 38 |
| G. FISHING | 38 |
| H. HUNTERS WITH A DISABILITY | 39 |
| I. JUDICIAL POSITIONS | 39 |
| 1. TRIAL JUDGES | 39 |
| 2. COURT OF APPEALS | 39 |
| J. MUNICIPAL JAILS | 39 |
| K. NURSING JURORS | 39 |
| L. OPEN MEETINGS ACT | 39 |
| M. PRISONER RE-ENTRY | 39 |
| N. PRIVATE PRISONS. | 39 |
| O. SPEAR FISHING | 39 |
| P. VETERAN TREATMENT COURTS | 39 |
| Q. VIOLENT TENANTS | 39 |

I. NEW CRIMES & PENALTIES

A. ANIMAL FIGHTING. 2012 PA 350-351. Effective December 12, 2012. Makes animal fighting violations under MCL 750.49 predicate offenses for CCE violations. MCL 750.158g.

1. Animal fighting violations were also added to the omnibus forfeiture act. MCL 600.4702.

B. ARSON. 2012 PA 531-534. Effective April 2, 2013. Totally revises the state's arson statutes.

1. FIRST DEGREE ARSON. A person who wilfully or maliciously burns any of the following or its contents commits first degree arson. It is a felony punishable by imprisonment for life or any term of years and/or a fine of up to \$20,000 or 3 times the value of the burned property. MCL 750.72. It is a B felony under the guidelines. MCL 777.16c.

a. A multi-unit building in which 1 or more of the units are dwellings. MCL 750.72(1)(a).

b. Any building, structure or other real property if the fire results in physical injury to any individual. MCL 750.72(1)(b).

c. A mine. MCL 750.72(1)(c).

i. It is not a defense for the perpetrator to burn his or her own property. MCL 750.72(2).

2. SECOND DEGREE ARSON. A person who wilfully or maliciously burns a dwelling or its contents commits second degree arson.

a. It is a felony punishable by imprisonment for up to 20 years and/or a fine of up to \$20,000 or 3 times the value of the burned property. MCL 750.73.

b. It is a D felony under the guidelines. MCL 777.16c.

i. It is not a defense for the perpetrator to burn his or her own property. MCL 750.73(2).

3. THIRD DEGREE ARSON. A person who wilfully or maliciously burns any of the following commits third degree arson. It is a felony punishable by imprisonment for up to 10 years and/or a fine of up to \$20,000 or 3 times the value of the burned property. MCL 750.74. It is an E felony under the guidelines. MCL 777.16c.

a. Any building or structure or its contents. MCL 750.74(1)(a).

b. Any personal property having a value of \$20,000 or more. MCL 750.74(1)(b)(i).

c. Any personal property having a value of \$1,000 or more if the person has one or more prior convictions. MCL 750.74(1)(b)(ii).

i. It is not a defense for the perpetrator to burn his or her own property. MCL 750.74(2).

4. FOURTH DEGREE ARSON. A person who does any of the following commits fourth degree arson. It is a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$10,000 or 3 times the value of the burned property. MCL 750.75. It is a D felony under the guidelines. MCL 777.16c.

- a. Wilfully and maliciously burns any personal property having a value of \$1,000 or more but less than \$20,000. MCL 750.75(1)(a)(i).
 - b. Wilfully and maliciously burns any personal property having a value of \$200 or more if the person has one or more prior convictions. MCL 750.75(1)(a)(ii).
 - i. It is not a defense to burning personal property for the perpetrator to burn his or her own property. MCL 750.75(2).
 - c. Wilfully or negligently sets fire to a woods, prairie or grounds of another person. MCL 750.75(1)(b).
 - d. Wilfully or negligently permits fire to pass from his or her own woods, prairie or grounds to another person's property causing damage or destruction to that other property. MCL 750.75(1)(b).
- 5. FIFTH DEGREE ARSON.** A person who intentionally damages or destroys by fire any personal property having a value of \$1,000 or less and has one or more prior convictions commits fifth degree arson. It is a misdemeanor punishable by imprisonment for up to 1 year and/or a fine of up to \$2,000 or 3 times the value of the burned property. MCL 750.77.
- a. It is not a defense for the perpetrator to burn his or her own property. MCL 750.77(2).
- 6. ARSON OF AN INSURED DWELLING.** The wilful or malicious burning of an insured dwelling or its contents with the intent to defraud is a felony.
- a. The penalty is imprisonment for life or any term of years and/or a fine of up to \$20,000 or 3 times the value of the burned property. MCL 750.76(3)(a). It is an A felony under the guidelines. MCL 777.16c.
 - b. It is not a defense for the person to burn his or her own property. MCL 750.76(2).
- 7. ARSON OF INSURED REAL PROPERTY.** The wilful or malicious burning of an insured building or other real property, or its contents, with the intent to defraud is a felony.
- a. The penalty is imprisonment for up to 20 years and/or a fine of up to \$20,000 or 3 times the value of the burned property. MCL 750.76(3)(b). It is a B felony under the guidelines. MCL 777.16c.
 - b. It is not a defense for the person to burn his or her own property. MCL 750.76(2).
- 8. ARSON OF INSURED PERSONAL PROPERTY.** The wilful or malicious burning of any insured personal property with the intent to defraud is a felony.
- a. The penalty is imprisonment for up to 10 years and/or a fine of up to \$20,000 or 3 times the value of the burned property. MCL 750.76(3)(a). It is a D felony under the guidelines. MCL 777.16c
 - b. It is not a defense for the person to burn his or her own property. MCL 750.76(2).

9. ARSON OF PROPERTY WITH A VALUE BETWEEN \$200 - \$1,000. The intentional, wilful and malicious burning of the following is a misdemeanor punishable by imprisonment for up to 1 year and/or a fine of up to \$2,000 or 3 time the value of the burned property. MCL 750.78(3)(a).

1. Any personal property having a value of \$200 or more but less than \$1,000. MCL 750.78(1)(a)(I).
2. Any personal property having a value of less than \$200 if the person has one or more prior convictions. MCL 750.78(1)(a)(ii).
 - a. It is not a defense for the person to burn his or her own property. MCL 750.78(2).

10. ARSON UNDER \$200. The intentional, wilful and malicious burning of personal property having a value of less than \$200 is a misdemeanor.

1. The penalty is imprisonment for up to 93 days and/or a fine of up to \$500 or 3 time the value of the burned property. MCL 750.78(3)(b).
 - a. It is not a defense for the person to burn his or her own property. MCL 750.78(2).

11. CARELESSLY SETTING FIRE TO A HOTEL. The negligent, careless or reckless setting of a fire to a hotel or motel, or its contents, that endangers the life or property of another person is a misdemeanor.

1. The penalty is imprisonment for up to 93 days and/or a fine of up to \$500 or 3 time the value of the burned property. MCL 750.78(3)(b).
 - a. It is not a defense for the person to burn his or her own property. MCL 750.78(2).

12. PLACING INFLAMMABLE MATERIALS WITH THE INTENT TO COMMIT ARSON. A person who uses, arranges, places, devises or distributes an inflammable, combustible, or explosive material, liquid, substance or device near a building, real property or personal property with the intent to commit arson in any degree is subject to the following penalties. MCL 750.79.

1. It is misdemeanor punishable by imprisonment for up to 93 days and/or a fine of up to \$500 or 3 times the property value if the combined value of the property is less than \$200. MCL 750.79(1)(a).
2. It is a misdemeanor punishable by imprisonment for up to 1 year and/or a fine of up to \$2,000 or 3 times the property value if:
 - a. The combined value of the property is \$200 or more but less than \$1,000, or
 - b. The property has a value of less than \$200 and the person has a prior conviction. MCL 750.79(1)(b).
3. It is a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$10,000 or 3 times the property value if:
 - a. The combined value of the property is \$1,000 or more but less than \$20,000, or

- b. The property has a value of \$200 or more but less than \$1,000 and the person has a prior conviction for an offense involving more than \$200, or
 - c. The property was a building, structure or real property. MCL 750.79(1)(c).
 - d. It is an E felony under the guidelines. MCL 777.16c.
4. It is a felony punishable by imprisonment for up to 10 years and/or a fine of up to \$15,000 or 3 times the property value if:
- a. The combined value of the property is \$20,000 or more, or
 - b. The property has a value of \$1,000 or more but less than \$20,000 and the person has 2 prior convictions for offenses involving more than \$200, or
 - c. The property was insured and has a value of more than \$2,000 and the fire was caused with the intent to defraud the insurer, or
 - d. The property was a building, structure or real property and the fire resulted in injury to any person, or
 - e. The property was an insured building, structure or real property and the fire was caused with the intent to defraud the insurer, or
 - f. The property was a dwelling. MCL 750.79(1)(d).
 - g. It is a D felony under the guidelines. MCL 777.16c.
5. It is a felony punishable by imprisonment for up to 15 years and/or a fine of up to \$20,000 or 3 times the property value if:
- a. The property was an insured dwelling and the fire was caused with the intent to defraud the insurer, or
 - b. The property was a dwelling and the fire resulted in injury to any person. MCL 750.79(1)(e).
 - c. It is a C felony under the guidelines. MCL 777.16c.

C. AUTOMATED SALES SUPPRESSION DEVICES. 2012 PA 146-147. Effective August 29, 2012. Makes it a felony, punishable by imprisonment for 1-5 years and a fine of up to \$100,000 to knowingly sell, purchase, install, transfer or possess an automated sales suppression device, zapper or phantom ware. MCL 750.411w. It is an E felony under the guidelines. MCL 777.16t.

D. BOATING. 2012 PA 120. Effective November 11, 2012. Beginning July 1, 2012, a person born after July 1, 1996 must have a boating safety certificate to operate a motorboat. MCL 324.80141.

E. CAMPAIGN FINANCE ACT.

1. AG ENFORCEMENT. 2012 PA 277. Effective August 16, 2012. Provides that only the AG can prosecute criminal violations of the campaign finance act. MCL 169.215.

2. **LEGAL DEFENSE EXPENDITURES.** 2012 PA 275. Effective January 1, 2013. Makes it a misdemeanor punishable by imprisonment for up to 90 days and/or a fine of up to \$1,000 to expend campaign funds for civil or criminal legal defense. MCL 169.221a.
3. **NOT FILING STATEMENTS FOR 2 CONSECUTIVE YEARS.** 2012 PA 273-274. Effective December 30, 2012. Makes it a felony punishable by imprisonment for up to 3 years and/or a fine of up to \$5,000 to not file required campaign finance statements for 2 consecutive years, if the account balance is \$20,000 or more. MCL 169.233(12).
 - a. It is an H felony under the guidelines. MCL 777.11e.
 - b. In addition, the money in the account may be forfeited to the state.

F. CELL PHONES.

1. **PRISONS.** 2012 PA 255. Effective July 2, 2012. Prohibits the possession or use of a cell phone by a prisoner. MCL 800.283a. It is a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$1,000. MCL 800.285.
2. **JAILS.** 2012 PA 256. Effective July 2, 2012. Makes it a crime to provide a cell phone to a jail inmate, or for a jail inmate to use or possess a cell phone. MCL 801.262a. It is a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$1,000. MCL 801.265.

G. COMPUTER CRIMES. 2012 PA 353. Effective January 1, 2013. Includes cell phones, computer game devices and PDAs in the definition of a computer under MCL 750.145d.

H. DEAD BODIES. 2012 PA 538-539. Effective April 1, 2013. Makes it a crime to fail to report the discovery of a dead body. MCL 333.2841.

1. A person who discovers a body he or she knows or should have known is dead and fails to report it to a law enforcement agency, a funeral home, or 911 operator commits a misdemeanor.
 - a. The penalty is imprisonment for up to 1 year and/or a fine of up to \$1,000. MCL 333.2841(2).
2. If the crime is committed with the purpose of concealing the fact or cause of death, it is a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$5,000. MCL 333.2841(3). It is an E felony under the guidelines. MCL 777.13k.
3. A consecutive sentence may be imposed to any other sentence arising out of the same transaction. MCL 333.2841(4).

I. DISTURBING RELIGIOUS MEETINGS. 2012 PA 202. Effective September 1, 2012. Amends MCL 750.169 to prohibit the following.

1. Entering or attempting to enter private property with the intent to disrupt a religious meeting.
2. Remaining on private property where a religious meeting is being held after being instructed to leave, with the intent to disrupt the meeting.
3. Intentionally obstruct or attempt to obstruct the entrance or exit from any private property where a religious meeting is being held with the intent to disrupt or prevent that meeting.

- a. A first offense is a misdemeanor punishable by imprisonment for up to 93 days and/or a fine of up to \$1,000, and/or up to 100 hours of community service.
- b. The fine increases to up to \$5,000 and/or community service of up to 200 hours for a second offense.

J. DOMESTIC VIOLENCE. 2012 PA 364-366. Effective April 1, 2013. Increases the penalties for domestic violence 3rd offense, and aggravated domestic violence 2nd offense.

1. The penalties increase to imprisonment for up to 5 years and/or a fine of up to \$5,000. MCL 750.81(4) and 750.81a(3). They are E felonies under the guidelines. MCL 777.16d.
2. A successful deferral under MCL 769.4a can be counted as a prior conviction. MCL 769.4a(5).

K. ELECTIONS.

1. **OFFICIAL'S NAME ON BALLOT RELATED MATERIALS.** 2012 PA 280. Effective July 3, 2012. It's a misdemeanor punishable by a fine of up to \$100 for an elected or appointed official to have their name on ballot related material that is provided to an elector. The fine increases to \$250 for a second offense. MCL 168.931a.
2. **OFFICIAL'S NAME POSTED AT POLLING PLACE.** 2012 PA 156. Effective June 5, 2012. Makes it a misdemeanor punishable by a fine of up to \$100 for any elected or appointed official's name to appear on any material that is temporarily posted, distributed or displayed in a polling place on election day. The fine increases to \$250 for a second offense. MCL 168.744.
3. **PAYING FOR VOTER REGISTRATIONS.** 2012 PA 276 & 278. Effective August 16, 2012.
 - a. Makes it a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$1,000 to pay another person to register people to vote if the pay is based upon the total number of individuals registered. MCL 168.932c. It is an E felony under the guidelines. MCL 777.11d.
 - b. Makes it a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$1,000 to intentionally misrepresent in a polling place on election day that he or she is an election official. MCL 168.932e. It is an E felony under the guidelines. MCL 777.11d.

L. FALSE POLICE OR EMERGENCY REPORTS. 2012 PA 330-332. Effective January 1, 2012.

1. Increases the penalties for false reporting of a crime if a person is injured or killed as the proximate result of the response to the false report.
 - a. If a person incurs physical injury as a proximate result of lawful conduct arising out of the response, it is a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$20,000. MCL 750.411a(1)(c). It is an E felony under the guidelines. MCL 777.16t.
 - b. If a person incurs serious impairment of a body function as a proximate result of lawful conduct arising out of the response, it is a felony punishable by imprisonment for up to 10 years and/or a fine of up to \$25,000. MCL 750.411a(1)(d). It is a D felony under the guidelines. MCL 777.16t.

- c. If a person is killed as a proximate result of lawful conduct arising out of the response, it is a felony punishable by imprisonment for up to 15 years and/or a fine of \$25,000 to \$50,000. MCL 750.411a(1)(e). It is a C felony under the guidelines. MCL 777.16t.
2. Creates a new crime of intentionally making a false report of a medical or other emergency.
 - a. It is a misdemeanor punishable by imprisonment for up to 93 days and/or a fine of up to \$500. MCL 750.411a(4)(a).
 - b. If a person incurs physical injury as a proximate result of lawful conduct arising out of the response, it is a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$20,000. MCL 750.411a(4)(b). It is an E felony under the guidelines. MCL 777.16t.
 - c. If a person incurs serious impairment of a body function as a proximate result of lawful conduct arising out of the response, it is a felony punishable by imprisonment for up to 10 years and/or a fine of up to \$25,000. MCL 750.411a(4)(c) . It is a D felony under the guidelines. MCL 777.16t.
 - d. If a person is killed as a proximate result of lawful conduct arising out of the response, it is a felony punishable by imprisonment for up to 15 years and/or a fine of \$25,000 to \$50,000. MCL 750.411a(4)(d). It is a C felony under the guidelines. MCL 777.16t.
 3. The court may order the defendant to reimburse the government for the costs of responding to the false report. MCL 750.411a(5).
 4. A violation occurs if the communication of the false report originates in this state, is intended to terminate in this state, or is intended to terminate with a person who is in this state. MCL 750.411a(7).
 5. A violation may be prosecuted in any jurisdiction in which the communication originated or terminated. MCL 750.411a(8).

M. FIREWORKS. 2012 PA 257. Effective July 2, 2012. Makes the following changes to the Michigan Fireworks Safety Act.

1. Increases the fines for failing to remit the firework safety fee or for not having a fireworks certificate to \$20,000 for a 2nd offense and \$40,000 for a 3rd offense. MCL 28.454(1) & MCL 28.458(4).
2. Removes the requirement that violations that result in property damage, serious body injury or death be committed knowingly, intentionally or recklessly. MCL 28.468(1).

N. FLEEING AND ELUDING.

1. **VESSELS.** 2012 PA 61. Effective November 1, 2012. Amends the fleeing and eluding statute to include vessel operators who flee a peace officer. In addition to criminal penalties, the operator's privileges to operate a vessel must be suspended for up to 5 years. MCL 750.479a.
2. **INCREASED PENALTIES.** 2012 PA 323. Effective January 1, 2013. Moves 1st degree fleeing and eluding from the C to the B grid. Moves 2nd degree fleeing and eluding from the D to the C grid. MCL 777.16x.

O. FUNERAL PROTESTS. 2012 PA 5 & 6. Effective February 14, 2012. Revises the protesting at a funeral statute. MCL 750.167d. The new elements are:

1. Make any statement or gesture or engage in any conduct that would make a reasonable person attending that funeral, memorial service, viewing, procession, or burial feel intimidated, threatened, or harassed.
2. Make any statement or gesture or engage in any conduct intended to incite or produce a breach of the peace among those attending that funeral, memorial service, viewing, burial or traveling in that procession, and that causes a breach of the peace among those attending that funeral, memorial service, viewing, burial or traveling in that procession.
3. Make any statement or gesture or engage in any conduct intended to disrupt the funeral, memorial service, viewing, procession, or burial and that disrupts the funeral, memorial service, viewing, procession, or burial.

P. INSURANCE FRAUD. 2012 PA 39. Effective March 6, 2012. Makes it a fraudulent insurance act to use a “runner, capper or steerer” to recruit a person to knowingly file a false insurance claim, with an intent to injure, defraud or deceive. MCL 500.4503.

1. It is a felony punishable by imprisonment for up to 4 years and/or a fine of up to \$50,000. MCL 500.4511. It is an F felony under the guidelines. MCL 777.15a.

Q. INTERNET PRIVACY. 2012 PA 478. Effective December 28, 2013. Creates the Internet Privacy Protection Act.

1. Makes it a misdemeanor punishable by a fine of up to \$1,000 for an employer or educational institution to request information that allows access to the personal internet account of an employee, applicant for employment, a student or a prospective student.

R. LIVESTOCK DEALER ACT. 2012 PA 317. Effective October 1, 2012. Increases the penalties for violations to imprisonment for up to 93 days and/or a fine of \$300 - \$1,000. MCL 287.131.

S. LYING TO A PEACE OFFICER. 2012 PA 104 & 105. Effective July 20, 2012.

1. Makes it a crime for any person who has been informed by a peace officer that the officer is conducting a criminal investigation to do any of the following:
 - a. Use a trick, scheme or device to knowingly and willfully conceal from the officer any material fact relating to the criminal investigation. MCL 750.479c(1)(a).
 - b. Knowingly and willfully make a statement to the officer that the person knows is false or misleading regarding a material fact in the criminal investigation. MCL 750.479c(1)(b).
 - c. Knowingly and willfully issue or otherwise provide any writing or document to the officer that the person knows is false or misleading regarding a material fact in the criminal investigation. MCL 750.479c(1)(c).
2. The penalties for a violation vary depending on the crime being investigated:
 - a. If investigating a serious misdemeanor, it is a misdemeanor punishable by imprisonment for up to 93 days and/or a fine of up to \$500. MCL 750.479c(2)(a).

- b. If investigating a misdemeanor punishable by imprisonment for more than 1 year, or a felony punishable by imprisonment for less than 4 years, the crime is a misdemeanor punishable by imprisonment for up to 1 year and/or a fine of up to \$2,500. MCL 750.479c(2)(b).
 - c. If investigating a felony punishable by imprisonment for more than 4 years, the crime is a misdemeanor punishable by imprisonment for up to 2 years and/or a fine of up to \$5,000. MCL 750.479c(2)(c). It is a G felony under the guidelines. MCL 777.16x.
 - d. If investigating 1st or 2nd degree murder, human trafficking, 1st degree CSC, armed robbery, carjacking, and terrorism, or violations of the arson, explosives, and kidnaping statutes with a maximum penalty of not less than 20 years, the crime is a felony punishable by imprisonment for up to 4 years and/or a fine of up to \$5,000. MCL 750.479c(2)(d). It is an F felony under the guidelines. MCL 777.16x.
3. The law doesn't apply to the victim, or to a person coerced into making a false statement due to domestic violence. MCL 750.479c(3).

T. MARINE SAFETY.

- 1. **PERSONAL FLOATATION DEVICES.** 2012 PA 58 & 61. Effective November 1, 2012. Makes it a civil infraction if a person riding or being towed by a personal watercraft, or being towed by a vessel, is not wearing a proper PFD. An inflatable PFD is not acceptable. MCL 324.80152 & 324.80205.
- 2. **BARGES.** 2012 PA 59. Effective November 1, 2012. Regulates the lighting used on barges, and makes it a misdemeanor punishable by imprisonment for up to 90 days or fine of up to \$10,000 for violations. MCL 324.80143.
- 3. **STOPPING A VESSEL.** 2012 PA 62. Effective November 1, 2012. Removes the ability of a peace officer to stop and inspect a vessel in order to determine the number and adequacy of PFDs on the vessel. The vessel can only be stopped if the officer has a reasonable suspicion that the vessel's operator is violating other laws. MCL 324.80166.

U. ORGANIZED RETAIL CRIME. 2012 PA 455. Effective March 31, 2013. Creates the organized retail crime act.

- 1. It is a felony punishable by imprisonment for up to 5 years and or \$5,000 to do any of the following. MCL 752.1084. It is a G felony under the guidelines. MCL 777.17d.
 - a. To knowingly commit an organized retail crime.
 - i. "Organized retail crime" means the theft of retail merchandise from a retail merchant with the intent or purpose of reselling, distributing, or otherwise reentering the retail merchandise in commerce, including the transfer of the stolen retail merchandise to another retail merchant or to any other person personally, through the mail, or through any electronic medium, including the internet, in exchange for anything of value. MCL 752.1083.
 - b. Organizes, supervises, finances, or otherwise manages or assists another person in committing an organized retail crime.

- c. Removes, destroys, deactivates, or knowingly evades any component of an anti-shoplifting or inventory control device to prevent the activation of the device or to facilitate another person in committing organized retail crime.
 - d. Conspiracy to commit organized retail crime.
 - e. Receive, purchase or possess retail merchandise for sale or resale knowing or believing the merchandise was stolen.
 - f. Uses any artifice, instrument, container, device or other article to facilitate the commission of organized retail crime.
 - g. Knowingly causes a fire exit alarm to activate, or deactivates a fire exit alarm to facilitate the commission of organized retail crime.
 - h. Knowingly purchases a wireless telecommunication device using fraudulent credit.
 - i. Knowingly procures a wireless telecommunications service agreement with the intent to defraud or to breach that agreement.
 - j. Uses another person to obtain a wireless telecommunication service agreement with the intent to defraud or to breach that agreement.
2. If the property was explicitly represented to the accused as stolen, it is not a defense that the property was not actually stolen. MCL 752.1084(5).
 3. The court shall order the defendant to reimburse the governmental agency for expenses incurred in investigation and prosecution. MCL 752.1084(4).
 4. Creates an organized retail crime advisory board in the MSP. MCL 752.1086.
- V. PERJURY.** 2012 PA 360. Effective April 1, 2013. Applies 15 year perjury penalty to a false statement in a record signed under penalty of perjury. MCL 750.423.
1. A record means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
 2. Signed means the person did either of the following to authenticate or adopt the record:
 - a. Executed or adopted a tangible symbol.
 - b. Attached to or logically associated with the record an electronic symbol, sound, or process.
- W. PLASTIC BULK MERCHANDISE CONTAINERS.** 2012 PA 186. Effective December 18, 2012. Creates the plastic bulk merchandise container act. MCL 445.2071 et. seq.
1. Makes it a misdemeanor punishable by imprisonment for up to 93 days and/or a fine of up to \$500 for a dealer to fail to keep accurate records of each purchase of 10 or more bulk merchandise containers, or to fail to hold and tag certain purchased containers for at least 7 days after the sale. MCL 445.2081(1).

2. Makes it a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$5,000 to knowingly buy or sell 10 or more stolen containers in a single transaction. The fine increases to \$10,000 for a second or subsequent offense. MCL 445.2081(2). It is an E felony under the guidelines. MCL 777.14h.
 - a. “Plastic bulk merchandise container” means a plastic pallet, crate, container, or shell used by a producer, distributor, or retailer for the bulk transportation or storage of goods for sale at retail, including, but not limited to, food or beverages. MCL 445.2073(e).
- X. SECURITY ALARMS.** 2012 PA 580-581. Effective January 2, 2013. Creates the security alarm systems act. Violations are misdemeanors punishable by imprisonment for up to 180 days and/or a fine of up to \$1,000.
- Y. STRANGULATION.** 2012 PA 367. Effective April 1, 2013. Makes it a felony punishable by imprisonment for up to 10 years and/or a fine of up to \$5,000 to assault someone by strangulation or suffocation. MCL 750.84(1)(b).
1. It is a D felony under the guidelines. MCL 777.16d.
 2. Strangulation or suffocation means intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person. MCL 750.84(2).
- Z. TASERS.** 2012 PA 122-124. Effective August 6, 2012. Allows a CCW holder to possess and carry a taser.
1. The rules for carrying a concealed firearm apply. MCL 28.425f, 425g, 425k and 425o.
 2. A person who sells a taser must verify the purchaser’s identity and CCW license status. The seller must also provide training on the use, effects and risks of the taser. MCL 750.224a(5).
 - a. A violation is a misdemeanor punishable by imprisonment for up to 30 days and/or a fine of up to \$500. MCL 750.224a(5).
 3. Using the taser against another person, except in self-defense, is a misdemeanor punishable by imprisonment for up to 2 years and/or a fine of up to \$2,000. MCL 750.224a(6). It is a G felony under the guidelines. MCL 777.11b.
- AA. UNEMPLOYMENT COMPENSATION FRAUD.** 2012 PA 477. Effective December 27, 2012. Creates the sentencing guidelines for unemployment compensation fraud \$3,500 to \$25,000. MCL 777.14c.
- BB. VIOLENT HABITUAL OFFENDERS.** 2012 PA 319. Effective October 1, 2012. Mandates a 25 year minimum sentence for violent habitual offenders, 4th offense. MCL 769.12.
1. The defendant must be charged with a serious crime. Serious crimes are:
 - a. Assault with the intent to commit murder. MCL 750.83.
 - b. Assault with the intent to commit great bodily harm less than murder. MCL 750.84.
 - c. Assault with the intent to maim. MCL 750.86.

- d. Assault with the intent rob while armed. MCL 750.89.
 - e. 2nd degree murder. MCL 750.317.
 - f. Manslaughter. MCL 750.321.
 - g. Kidnaping. MCL 750.349.
 - h. Prisoner taking a hostage. MCL 750.349a.
 - i. Enticing a child under 14. MCL 750.350.
 - j. Mayhem. MCL 750.397.
 - k. 1st, 2nd and 3rd degree CSC. MCL 750.520b, 520c, 520d.
 - l. Assault with the intent to commit sexual penetration. MCL 750.520g(1).
 - m. Armed robbery. MCL 750.529.
 - n. Car jacking. MCL 750.529a.
2. The defendant must have three or more prior convictions for a felony or an attempt to commit a felony. For purposes of imposing the 25 year minimum sentence, multiple convictions arising out of one transaction are counted as only one felony. MCL 769.12(1)(a).
 3. One or more of the prior convictions must be for a “listed prior felony”. A listed prior felony includes all serious crimes listed above and the following:
 - a. Arson of a dwelling. MCL 750.72.
 - b. Felonious assault. MCL 750.82.
 - c. Torture. MCL 750.85.
 - d. Assault with the intent to commit a felony not otherwise specified. MCL 750.87.
 - e. Assault with the intent to rob, unarmed. MCL 750.88.
 - f. Attempted murder. MCL 750.91.
 - g. 1st or 2nd degree home invasion. MCL 750.110a.
 - h. 1st or 2nd degree child abuse. MCL 750.136b.
 - i. 1st or 2nd degree vulnerable adult abuse. MCL 750.145n.
 - j. Soliciting a murder or other felony. MCL 750.157b.
 - k. Jail or prison escape through violence. MCL 750.197c.
 - l. Carrying a dangerous weapon with unlawful intent. MCL 750.226.

- m. CCW. MCL 750.227.
- n. Intentional discharge of a firearm from a vehicle. MCL 750.234a.
- o. Intentional discharge of a firearm at a dwelling. MCL 750.234b.
- p. Intentional discharge of a firearm at an emergency or law enforcement vehicle. MCL 750.234c.
- q. Intentional discharge of a firearm resulting in death. MCL 750.329.
- r. Stalking a minor. MCL 750.411h(2)(b).
- s. Aggravated stalking. MCL 750.411i.
- t. 1st or 2nd degree fleeing and eluding. MCL 750.479a.
- u. Assault with the intent to commit sexual contact. MCL 750.520g.
- v. Unarmed robbery. MCL 750.530.

CC. WORK RELEASE. 2012 PA 610-613. Effective March 1, 2013. Requires the following for any felon placed on work or school release.

1. The DOC or the Sheriff must verify that the felon is currently employed or enrolled in school. MCL 771.3d; MCL 801.251a.
2. Any release is contingent upon the approval of the Sheriff. MCL 771.3d.
3. The person must be placed on an electronic monitoring system. MCL 771.3e.
4. Removing, destroying or circumventing the operation of the monitoring device is a felony punishable by imprisonment for up to 2 years and/or a fine of up to \$4,000. MCL 771.3f. It is a G felony under the guidelines. MCL 777.17f.

II. CHILDREN

A. CHILD ABUSE. 2012 PA 194-195. Effective July 1, 2012. Enacts Dominick's Law.

1. Increases the penalty for 1st degree child abuse to imprisonment for life or any term of years. MCL 750.136b(2). It is an A felony under the guidelines. MCL 777.16g.
2. Increases the penalty for 2nd degree child abuse to imprisonment for up to 10 years. MCL 750.136b(3)(a). It is a C felony under the guidelines. MCL 777.16g.
 - a. A second or subsequent offense is punishable by imprisonment for up to 20 years. MCL 750.136b(3)(b). It is a B offense under the guidelines. MCL 777.16g.
3. Creates a new crime of committing 1st degree child abuse in the presence of another child. MCL 750.136d(1)(a). It is punishable by imprisonment for life or any term of years. It is an A felony under the guidelines. MCL 777.16g.
4. Creates a new crime of committing 2nd degree child abuse in the presence of another child. MCL 750.136d(1)(b). It is punishable by imprisonment for up to 10 years. It is a D felony under the guidelines. MCL 777.16g.
 - a. A second or subsequent offense is punishable by imprisonment for up to 20 years. MCL 750.136d(1)(c). It is a B felony under the guidelines. MCL 777.16g.
5. Creates a new crime of committing 3rd degree child abuse in the presence of another child. MCL 750.136d(1)(d). It is punishable by imprisonment for up to 2 years. It is a G felony under the guidelines. MCL 777.16g.
6. Multiple convictions may arise out of the same transaction. MCL 750.136d(2).

B. CHILD PROTECTIVE PROCEEDINGS. 2012 PA 115. Effective May 1, 2012. Provides that DHS is not required to provide family re-unification services if the parent is on the Sex Offender Registry. MCL 712a.13b.

C. CHILD SEXUALLY ABUSIVE MATERIAL. 2012 PA 583. Effective March 1, 2013. Makes the following changes to MCL 750.145c.

1. Specifies that making a copy of child sexually abusive material for personal, distributional, or other purposes constitutes the 20 year offense of producing child sexually abusive material. MCL 750.145c(2).
 - a. Legislatively changes the decision in *People v Hill 486 M 658 (2010)*.
2. Includes knowingly seeking or accessing child sexually abusive material in the 4 year possession charge. MCL 750.145c(4).
3. Prohibits a court from ordering the prosecutor to make a copy of the child sexually abusive material for the defense. The defense can inspect, view and examine the material at a facility approved by the prosecutor. MCL 750.145c(10).

D. CHILD SUPPORT. 2012 PA 357. Effective March 28, 2012. Allows a source of income to charge a fee for transmitting child support payments in response to a notice of income withholding. MCL 552.623.

E. CSC. 2012 PA 372. Effective March 28, 2013. Prohibits sexual assaults by foster care employees on foster care residents.

1. Amends 1st and 2nd degree CSC to prohibit employees, contractual service providers, volunteers of a child care organization, or the person licensed to operate a foster family home or a foster family group home from having sex with residents between the ages of 13 to 16. MCL 750.520b(1)(b)(vi) & 750.520c(1)(b)(vi).

2. Amends 3rd and 4th degree CSC to prohibit employees, contractual service providers, volunteers of a child care organization, or the person licensed to operate a foster family home or a foster family group home from having sex with residents age 16 or older. MCL 750.520d(1)(g) & 750.520e(1)(h).

a. Child care organization, foster family home and foster family group home are defined in MCL 722.111.

F. EMERGENCY REMOVAL. 2012 PA 163. Effective June 14, 2012. Allows a police officer to immediately take a child at risk of imminent harm into custody. MCL 712a.14a. Allows DHS to obtain emergency removal orders by electronic means. MCL 712a.14b.

G. JUVENILE COMPETENCY. 2012 PA 540-541. Effective March 28, 2013. Creates standards and procedures for determining juvenile competency.

1. A juvenile 10 years of age or older is presumed competent. A juvenile under 10 is presumed incompetent. MCL 712a.18n(1).

a. A juvenile is incompetent if the juvenile, based upon age appropriate norms, lacks a reasonable degree of rational and factual understanding of the proceeding, or is unable to do one or more of the following:

i. Consult with and assist his or her attorney in preparing his or her defense in a meaningful manner.

ii. Sufficiently understand the charges against him or her. MCL 712a.1(1)(g).

2. A competency hearing may be ordered at the request of the parties or on the court's own motion. MCL 712a.18n(2).

3. The competency evaluation must be conducted by a qualified juvenile forensic mental health examiner. MCL 712a.18o.

a. See MCL 712a.1(1)(n) for definition of Qualified Juvenile Forensic Mental Health Examiner.

4. The parties must supply the forensic examiner with all materials relevant to competency within 10 days of the court order for an evaluation. MCL 712a.18p (1-4).

5. The evaluation report must be submitted to the court within 30 days of the court order for an evaluation. MCL 712a.18p (5). The report must include the following information.
 - a. A description of the nature, content, and extent of the examination, including, but not limited to, all of the following:
 - (i) A description of assessment procedures, techniques, and tests used.
 - (ii) Available medical, educational, and court records reviewed.
 - (iii) Social, clinical, developmental, and legal history as available.
 - b. A clinical assessment that includes, but is not limited to, the following:
 - (i) A mental status examination.
 - (ii) The diagnosis and functional impact of mental illness, developmental disability, or cognitive impairment. If the juvenile is taking medication, the impact of the medication on the juvenile's mental state and behavior.
 - (iii) An assessment of the juvenile's intelligence.
 - (iv) The juvenile's age, maturity level, developmental stage, and decision-making abilities.
 - (v) Whether the juvenile has any other factor that affects competence.
 - c. A description of abilities and deficits in the following mental competency functions related to the juvenile's competence to proceed:
 - (i) The ability to factually as well as rationally understand and appreciate the nature and object of the proceedings, including, but not limited to, all of the following:
 - A. An ability to understand the role of the participants in the court process, including, the roles of the judge, the juvenile's attorney, the prosecuting attorney, the probation officer, witnesses, and the jury, and to understand the adversarial nature of the process.
 - B. An ability to appreciate the charges and understand the seriousness of the charges.
 - C. An ability to understand and realistically appraise the likely outcomes.
 - D. An ability to extend thinking into the future.
 - (ii) The ability to render meaningful assistance to the juvenile's attorney in the preparation of the case, including, but not limited to, all of the following:
 - A. An ability to disclose to an attorney a reasonably coherent description of facts and events pertaining to the charge, as perceived by the juvenile.
 - B. An ability to consider the impact of his or her action on others.

- C. Verbal articulation abilities or the ability to express himself or herself in a reasonable and coherent manner.
 - D. Logical decision-making abilities, particularly multifaceted problem-solving or the ability to take several factors into consideration in making a decision.
 - E. An ability to reason about available options by weighing the consequences, including weighing pleas, waivers, and strategies.
 - F. An ability to display appropriate courtroom behavior.
6. The court shall hold a hearing within 30 days of receiving the report. MCL 712a.18q(1).
 7. If the juvenile is found incompetent and there is a substantial probability that the juvenile will remain incompetent for the foreseeable future or for more than the 120 days allowed for restoration of competency, the charges shall be dismissed WITH PREJUDICE. MCL 712a.18q(2); MCL 712a.18s(2)(b) & (3).
 8. If the juvenile is found incompetent and the court finds the juvenile may be restored to competency within 120 days the court:
 - a. Shall dismiss if it is a traffic offense or non-serious misdemeanor. MCL 712a.18s(1)(a).
 - b. May dismiss the case if the charge is a serious misdemeanor. MCL 712a.18s(1)(b).
 - c. Suspend the proceedings and issue an initial 60 day restoration order. MCL 712a.18s(1)(c).
 - d. If the juvenile is not restored to competency within 60 days, and the juvenile does not turn 18, an additional 60 day restoration order may be entered. MCL 712a.18s(2) & (3).
 - e. If the juvenile is not restored to competency the court shall dismiss the charges and determine whether to direct the filing of civil commitment proceedings against the juvenile. MCL 712a.18s(4).
 - f. If the juvenile is unable to be restored to competency due to serious emotional disturbance, the court may order that mental health services be provided to the juvenile for 60 days, plus an additional 60 day renewal period. MCL 712a.18s(5-6).
 9. Any statements or evidence obtained during a competency evaluation are inadmissible for any purpose other than to determine competency. MCL 712a.18r(1-4).
 - a. All competency reports shall be sealed. MCL 712a.18r(5).

H. JUVENILE EXPUNGEMENT. 2012 PA 527. Effective December 28, 2012. Makes the following changes to the juvenile expungement statute.

1. A juvenile may have up to 3 adjudications expunged. MCL 712a.18e(1).
 - a. 1 felony and 2 misdemeanors, or
 - b. 3 misdemeanors.

2. A juvenile with more than 3 adjudications, or more than 1 felony adjudications is not eligible to have any offenses expunged. MCL 712a.18e(1).
3. Multiple adjudications arising out of a series of acts that were in a continuous time sequence of 12 hours or less and that display a single intent and goal constitute one offense. MCL 712a.18e(1).
 - a. Unless any of the adjudications was for:
 - i. An assaultive crime,
 - ii. An offense involving the use or possession of a weapon,
 - iii. An offense with a maximum penalty of 10 or more years.
4. A petition may be filed within 1 year after the completion of the disposition, or at age 18, whichever occurs later. MCL 712a.18e(3).

I. MICHIGAN INDIAN FAMILY PRESERVATION ACT. 2012 PA 565. Effective January 2, 2013. The Act requires special procedures involving an Indian child in the following proceedings.

1. Status offenses under the Juvenile Code.
2. Consent and contested Adoption Proceedings.
3. Voluntary and involuntary guardianships.
4. Emergency removals.
5. Child protective proceedings.
6. Termination of parental rights.

J. PARENTING TIME. 2012 PA 600. Effective January 1, 2013. Prohibits exercising parenting time in a country that is not a party to the Hague convention on the civil aspects of international child abduction. MCL 722.7a(9).

K. PATERNITY. 2012 PA 159-162. Effective June 14, 2012. The “Revocation of Paternity Act”.

L. SEXUAL ABUSE TASK FORCE. 2012 PA 593-595. Effective January 9, 2013.

1. Creates a task force on the prevention of sexual abuse of children in the Department of Human Services. MCL 722.632b. The task force has 365 days to prepare the following materials.
 - a. A model protocol for the identification, investigation and prevention of child sexual abuse. MCL 722.632b(3)(I).
 - b. Recommendations and guidelines for school policies on age appropriate education for children on sexual abuse and how the school will respond to students affected by sexual abuse. MCL 722.632b(3)(e-h).
2. Authorizes school districts and public school academies to adopt policies that are substantially consistent with the model policy and guidelines developed by the task force. MCL 380.1505.

III. CONTROLLED SUBSTANCES

- A. EMERGENCY SCHEDULING.** 2012 PA 180-182. Effective June 19, 2012. Authorizes the Director of the Department of Community Health to issue an emergency rule scheduling a substance as a controlled substance.
- B. MEDICAL MARIHUANA.**
1. **ARREST IMMUNITY.** 2012 PA 512. Effective April 1, 2013. A patient or caregiver's privilege from arrest only applies if they present their registry identification card and a valid driver license or government issued ID that has a photograph. MCL 333.26424.
 2. **BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP.** 2012 PA 512. Effective April 1, 2013. Defines the relationship to mean a treatment or counseling relationship with all of the following:
 - a. The doctor has reviewed all relevant medical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant, in person, medical evaluation. MCL 333.26423(a)(1).
 - b. Records are created and maintained in accordance with medically accepted standards. MCL 333.26423(a)(2).
 - c. The doctor has a reasonable expectation to provide follow up care to the patient to monitor the efficacy of the treatment. MCL 333.26423(a)(3).
 - d. With the patient's permission, the doctor informs the patient's primary care physician regarding the patient's debilitating medical condition and certification for medical marihuana. MCL 333.26423(a)(4).
 - e. The doctor's certification must state that he or she did a full assessment of the patient's medical history and current medical condition, including a relevant, in person, medical evaluation. MCL 333.26423(m).
 3. **CARE GIVERS.** 2012 PA 512. Effective April 1, 2013. Prohibits the registration of care givers who have felony convictions. MCL 333.26423(h).
 - a. For 10 years if they have any felony conviction.
 - b. Permanently if they have any felony conviction for an assaultive crime as defined in MCL 770.9a or one involving illegal drugs.
 4. **ENCLOSED LOCKED FACILITY.** 2012 PA 512. Effective April 1, 2013. Defines an enclosed locked facility for outdoors. MCL 333.26423(d).
 - a. The plants are not visible to the naked eye when viewed from ground level or a structure on adjacent property.
 - b. They must be in a stationary structure that is enclosed on all sides except for the base by chain link fencing, wooden slats, or similar material that is anchored to the ground.
 - c. It must be on land owned or leased by either the registered patient or registered care giver.

- d. It must have locks or other security devices that restrict access to only the patient or care giver.
 - e. A vehicle qualifies only when transporting plants to a new permanent location, and only if no one other than the patient or care giver is in the vehicle.
5. **MEDICAL REVIEW PANEL.** 2012 PA 514. Effective April 1, 2013. Requires the appointment of a panel to review petitions to add medical conditions to the list of debilitating medical conditions. MCL 333.26426(k).
 6. **PERSONAL PROTECTION INSURANCE BENEFITS.** 2012 PA 542. Effective January 2, 2013. An insurer is not required to provide no fault insurance coverage for the medical use of marihuana. MCL 500.3107.
 7. **PROOF OF RESIDENCY.** 2012 PA 514. Effective April 1, 2013. Requires applicants to provide proof of Michigan residency. MCL 333.26426(a)(6).
 8. **SENTENCING GUIDELINES.** 2012 PA 513. Effective April 1, 2013. Makes selling marihuana in violation of the MMMA a G felony under the guidelines. MCL 777.13n.
 9. **TRANSPORTING.** 2012 PA 460. Effective December 27, 2012. Medical marihuana must be enclosed in a case and carried in the trunk, or if there is no trunk, the case can't be readily accessible from the interior of the vehicle.
 - a. A violation is a misdemeanor punishable by imprisonment for up to 93 days and/or a fine of up to \$500. MCL 750.474.
 10. **WORKER'S COMP.** 2012 PA 481. Effective December 28, 2012. Precludes worker's comp payments for medical marihuana treatment. MCL 418.315a.

C. PRESCRIPTIONS.

1. **ELECTRONIC PRESCRIPTION SYSTEM.** 2012 PA 44. Effective March 7, 2012. Allows health care insurers to access the state's electronic prescription system to monitor patient care and to prevent fraud. MCL 333.7333a.
2. **UNUSED PRESCRIPTIONS.** 2012 PA 383-384. December 19, 2012. Creates the program for the utilization of unused prescription drugs. MCL 333.1775.

D. SYNTHETIC MARIJUANA AND BATH SALTS. 2012 PA 183. Effective July 1, 2012. Creates new definitions of synthetic cannabinoids and synthetic cathinones as schedule 1 controlled substances. MCL 333.7212(1)(e) & (x).

1. Both definitions include a very broad catch all provision to cover new synthetic chemical compounds that act like the specifically described compounds. MCL 333.7212(1)(e)(x) and 333.7212(1)(x).
2. Makes it a felony punishable by imprisonment for up to 4 years and/or a fine of up to \$20,000 to sell a product that is represented to have the same effect as a schedule 1 controlled substance. MCL 333.7417.

IV. CRIMINAL PROCEDURE

- A. ANIMAL FIGHTING.** 2012 PA 352. Effective December 13, 2012. Allows any place used for a violation of MCL 750.49, animal fighting, to be declared a nuisance. MCL 600.3801.
- B. BIOMETRIC DATA.** 2012 PA 374. Effective December 14, 2012. Allows the Central Records Division of the MSP to obtain and maintain biometric data on arrested and convicted individuals.
1. Biometric data includes:
 - a. Fingerprint and palm prints. MCL 28.241a(b)(i) & (ii).
 - b. Digital images recorded during the arrest or booking process. MCL 28.241a(b)(iii).
 - c. All descriptive data associated with identifying marks, scars, amputations and tattoos. MCL 28.241a(b)(iv).
- C. BOOT CAMPS.** 2012 PA 259. Effective July 2, 2012. Eliminates the sunset on the prison boot camp program. MCL 791.234a.
- D. DEFERRED CONVICTIONS.** 2012 PA 547-550. Effective April 1, 2013. Standardizes the conviction deferral procedures for drug treatment courts, parental kidnapping, section 7411, and DV deferrals.
1. All proceedings become confidential when deferred status is granted.
 2. If charges are dismissed, the MSP will keep a non-public record. The record can be accessed by the following:
 - a. Courts, law enforcement and prosecutors for use in the performance of their duties.
 - b. To show whether a defendant has previously been granted a deferral and dismissal.
 - c. By the DOC for ascertaining preemployment criminal history, or criminal history of a current employee.
 - d. By DHS for enforcing child protection laws or vulnerable adult protection laws, or for ascertaining preemployment criminal history of a person who will be engaged in enforcing those laws.
- E. INTERROGATIONS.** 2012 PA 479. Effective March 28, 2013. Requires recording of in-custody interrogations in the following circumstances.
1. The person must be in custody in a place of detention for a major felony. MCL 763.7.
 - a. A place of detention means a police station, correctional facility, prisoner holding facility or another governmental facility where an individual may be held in connection with a criminal charge. MCL 763.7(f).
 - b. A major felony means 3rd degree CSC or a felony with a maximum penalty of 20 years or more. MCL 763.7(d).

2. Law enforcement does not have to inform the person that the interrogation is being recorded, and can record the interrogation over the person's objection. MCL 763.8.
3. The defense is entitled to a copy of the recording. The court cannot require the prosecution to prepare transcripts. MCL 763.8(5).
4. The recording is exempt from FOIA until conviction or acquittal. MCL 763.8(6).
5. The failure to record a statement does not require its exclusion. The jury will receive a special instruction regarding the failure to record. MCL 763.9.
6. Within 120 days of March 28, 2013, MCOLES must developed standards for the recording process and equipment. It must also determine the cost of funding the equipment. MCL 763.11(1).
7. If the legislature does not appropriate funds for the equipment, then an agency without appropriate equipment is not required to record. MCL 763.11(2 & 3).
8. If funds are appropriated, the local agency must implement recording within 120 days of receiving the funds. MCL 763.11(3).
9. If an agency already has appropriate equipment, they must start recording within 60 days of the adoption of the MCOLES standards. MCL 763.11(4).

F. MIP. 2012 PA 125. Effective June 1, 2012. Counts a successful MIP deferral as a prior offense for enhancement purposes. MCL 436.1703(4). Provides immunity from MIP under the following circumstances:

1. The minor voluntarily presents himself or herself to a health facility for treatment. MCL 436.1703(10)(a).
2. The minor accompanies another minor who voluntarily presents himself or herself to a health facility for treatment. MCL 436.1703(10)(b).
3. The minor initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern. MCL 436.1703(10)(c).
4. If the minor is under 18, the health facility must notify his or her parents or guardian. MCL 436.1703(11).

G. NOTARY PUBLIC. 2012 PA 425. Effective December 21, 2012. Requires a notary public to notify the Secretary of State within 10 days of being convicted of a crime. MCL 55.301.

H. PAROLEE SEARCHES. 2012 PA 624. Effective January 9, 2013. Requires every parolee as a condition of parole to consent to a search of his or her person or property upon demand by a peace officer or parole officer. MCL 791.236(19).

1. Consent does not authorize a search that is conducted with the SOLE intent to intimidate or harass.

I. SECURITY GUARDS. 2012 PA 591. Effective March 28, 2013. Requires private security guards to notify law enforcement if they reasonably suspect the following crimes have been committed. MCL 338.1067a.

1. An assaultive crime as defined in MCL 770.9a.
2. Child sexually abusive activity MCL 750.145c.
3. Surveilling an unclothed person. MCL 750.539j.

J. STATUTE OF LIMITATIONS. 2012 PA 363. Effective March 28, 2013. Extends the statute of limitations for kidnapping, extortion, assault with intent to commit murder, attempted murder, manslaughter, or 1st degree home invasion under the following circumstances. MCL 767.24.

1. If the offense was reported to the police within 1 year of the commission of the crime, and the perpetrator is unknown, the 10 year SOL doesn't start until the perpetrator's legal name is known.

K. SWIFT AND SURE SANCTIONS. 2012 PA 616-617. Effective January 1, 2013. Creates the "Probation Swift and Sure Sanctions Act" to apply to felony probationers.

1. Places all Court of Appeals fees in a fund for grants to circuit courts that implement a program under this act. MCL 600.321. SCAO will administer the fund.
2. Authorizes SCAO to develop model programs.
3. Program requirements are:
 - a. Probationers must be informed of the terms of their probation and consequences for violations.
 - b. Probationers must be closely monitored.
 - c. Every violation must be reported to the court.
 - d. Probationers must be arrested as soon as a violation has been detected and brought before the court within 72 hours.
 - e. There must be an imposition of a SCAO approved sanction.
 - f. Continued violations are to be addressed by increasing sanctions.

V. ELDER ABUSE

A. ANNUITIES. 2012 PA 544. Effective June 1, 2013. Regulates annuity sales to make sure the product is suitable to the purchaser.

1. Requires agents to complete an approved training course before selling annuities. MCL 500.4160.
2. Requires an agent or insurer to obtain information from the purchaser to determine whether the annuity would be suitable for him or her. MCL 500.4155(1).
3. Precludes an insurer from issuing an annuity unless it has a reasonable basis to believe the annuity is suitable based upon the suitability information obtained from the purchaser. MCL 500.4155(3).
4. Requires insurers to develop a review process to insure that an annuity is suitable for the purchaser before issuing the contract. MCL 500.4158.

B. CONSERVATOR BONDS. 2012 PA 173. Effective June 19, 2012. 2012 PA 210. Effective October 1, 2012.

1. Requires a GAL to report to the court the amount of cash and property readily convertible into cash that is in the individual's estate. MCL 700.5305.
2. Requires a conservator to obtain a bond if the amount of cash and property readily convertible into cash exceeds the administration limits of MCL 700.3982. MCL 700.5410. Exceptions are:
 - a. The estate contains no property readily convertible to cash and the cash is in a restricted account with a financial institution. MCL 700.5410(1)(a).
 - b. The conservator has trust powers under the Banking Code. MCL 700.5410(1)(b).
 - c. Requiring a bond would impose a financial hardship on the estate. MCL 700.5410(1)(c).
 - d. The court states reasons on the record why a bond is not necessary. MCL 700.5410(1)(d).

C. CRIMINAL COMPLAINTS. 2012 PA 177. Effective June 19, 2012. Prohibits a magistrate from requiring a vulnerable adult to personally affirm a criminal complaint. MCL 764.1a.

D. DISINHERITING THE ABUSER. 2012 PA 173. Effective June 19, 2012. A person who is convicted of a felony involving abuse, neglect or exploitation cannot inherit from his or her victim. MCL 700.2802-2804.

1. Abuse, neglect or exploitation is defined as:
 - a. Child abuse, MCL 750.136b.
 - b. Vulnerable adult abuse, MCL 750.145m to 750.145r.
 - c. Financial Exploitation, MCL 750.174a.
 - d. An offense involving domestic violence as defined in MCL 768.27b.
 - e. A criminal act that constitutes abuse, neglect or exploitation as defined in MCL 400.11.

2. These provisions don't apply if the decedent executes a document after the crime and express a specific intent to allow the felon to inherit. MCL 700.2803(7).

E. ELDER DEATH REVIEW TEAMS. 2012 PA 171. Effective June 19, 2012. Allows a county medical examiner to establish an elder and vulnerable adult death review team and to refer cases to the team for its review. MCL 52.201c(2) & 52.203(4).

1. Team members include:
 - a. Geriatric care specialists
 - b. Long term care health professionals
 - c. State and local law enforcement representatives
 - d. Prosecutor's office
 - e. DHS representatives involved with Adult Protective Services, Adult foster care homes and homes for the aged.

F. FINANCIAL EXPLOITATION. 2012 PA 168, 169 & 172. Effective June 19, 2012.

1. Increases the penalties for embezzling from a vulnerable adult.
 - a. If the property has a value of \$50,000 or more, but less than \$100,000, it is a felony punishable by imprisonment for up to 15 years and/or a fine of up to \$15,000 or 3 times the value of the property. MCL 750.174a(6). It is a C felony under the guidelines. MCL 777.16o.
 - b. If the property has a value of \$100,000 or more, it is a felony punishable by imprisonment for up to 20 years and/or a fine of up to \$50,000 or 3 times the value of the property. MCL 750.174a(7). It is a B felony under the guidelines. MCL 777.16o.
2. Amends the fraudulently obtaining a signature statute to eliminate the requirement that the signature relate to a financial document. MCL 750.273.

G. MEDICAL ALERT ACT. 2012 PA 176. Effective June 19, 2012. Creates the "Mozelle senior or vulnerable adult medical alert act".

H. MODEL INVESTIGATIVE PROTOCOL. 2012 PA 175. Effective June 19, 2012.

1. Requires Adult Protective Services to conduct an in person interview with an allegedly vulnerable adult. MCL 400.11b(9).
2. Requires the MSP, AG, DHS, Office of Services to the Aging and a long term care provider representative to develop a model protocol for the investigation of vulnerable adult abuse. MCL 400.11b(9).

I. MORTGAGING/PLEDGING PROPERTY. 2012 PA 173. Effective June 19, 2012.

1. Precludes a conservator from mortgaging, pledging or allowing a lien to be placed on the protected individual's property without a court order. MCL 700.5423(3).

2. Unless the conservator has filed a copy of the court order with the register of deeds, or provided a copy to the purchaser, mortgagee, or lien holder, they cannot presume that the conservator had the power to sell, mortgage, or pledge the property. MCL 700.5422(3).

J. NURSING HOME REPORTS. 2012 PA 174. Effective June 19, 2012.

1. Requires a nursing home employee to report suspected abuse directly to the Department of Community Health (DCH) and their administrator. MCL 333.21771(1).
2. Requires the nursing home administrator to report the suspected abuse to both DCH and a local law enforcement agency. MCL 333.21771(1).
 - a. If the abuse involved serious bodily injury to the patient, the report must be made within 2 hours. MCL 333.21771(8)(a).
 - b. All other abuse must be reported within 24 hours. MCL 333.21771(8)(b).

K. POWER OF ATTORNEY. 2012 PA 141. Effective May 22, 2012. Requires a person given a power of attorney to acknowledge the following limitations on his or her power. MCL 700.5501(4).

1. Except as provided in the durable power of attorney, to act in accordance with the standards of care applicable to fiduciaries acting under durable powers of attorney.
2. To take reasonable steps to follow the instructions of the principal.
3. Upon request of the principal, to keep the principal informed of his or her actions. To provide an accounting to the principal upon request.
4. To not make a gift from the principal's property, unless provided for in the durable power of attorney or by judicial order.
5. Unless provided in the durable power of attorney or by judicial order, to not create an account or other asset in joint tenancy between the principal and attorney.
6. To maintain records of transactions as attorney-in-fact, including receipts, disbursements, and investments.
7. To be liable for any damage or loss to the principal, and to be subject to any other available remedy, for breach of fiduciary duty owed to the principal. In the durable power of attorney, the principal may exonerate him or her of any liability to the principal for breach of fiduciary duty except for actions committed in bad faith or with reckless indifference. An exoneration clause is not enforceable if inserted as the result of any abuse of a fiduciary or confidential relationship to the principal.
8. To be subject to civil or criminal penalties for violation of his or her duties to the principal.

L. PROTECTED INDIVIDUAL'S BILL OF RIGHTS. 2012 PA 173. Effective June 19, 2012. Creates 33 specific rights for a protected individual and requires SCAO and the Office of Services to the Aging to prepare a form to be used to provide notice of those rights. MCL 770.5306a.

M. TESTIMONIAL PROTECTIONS. 2012 PA 170. Effective June 19, 2012. Provides the following protections for vulnerable adults in some criminal prosecutions.

1. The ability to use anatomically correct dolls. MCL 600.2163a(3).
2. The availability of a support person. MCL 600.2163a(4).
3. To have a video recorded statement considered by the court in non-testimonial proceedings. MCL 600.2163a(5-8).
4. To exclude the public from the courtroom during the victim's testimony. MCL 600.2163a(14-17).
5. To seat the defendant as far away from the witness stand as is reasonable, so that he or she is not directly in front of the victim. MCL 600.2163a(14-17).
6. To testify outside the presence of the defendant by closed circuit television or other electronic means. The court must make a finding that the victim will be psychologically or emotionally unable to testify in court. MCL 600.2163a(18-19).
7. Prosecutions covered include. MCL 600.2163a(2)(b).
 - a. Any assaultive crime listed in MCL 770.9a.
 - b. Home invasion under MCL 750.110a.
 - c. Vulnerable adult abuse under MCL 750.145n, 145o, and 145p.
 - d. Embezzlement or Financial Exploitation under MCL 750.174 & 174a.

VI. VEHICLES

- A. CELL PHONES.** 2012 PA 592. Effective March 28, 2013. Prohibits a person with a level 1 or 2 graduated license from using a cell phone. MCL 257.602c.
1. Violations are civil infractions.
 2. Emergency use or the use of a voice operated system that is integrated into the vehicle are not prohibited.
- B. COMMERCIAL DRIVERS' LICENSES.** 2012 PA 306. Effective October 1, 2012. Requires certain license sanctions for CDL violations to run consecutively to other CDL sanctions. MCL 257.319b.
- C. DRIVER RESPONSIBILITY FEES.** 2012 PA 203. Effective June 27, 2012. Gives a driver three chances to establish a payment schedule and lift his or her license suspension. MCL 257.732a(5).
- D. MOTORCYCLE HELMETS.** 2012 PA 98. Effective April 13, 2012. Allows motorcycle operators age 21 or older to ride without a helmet if:
1. They have had a motorcycle endorsement for 2 or more years or have passed a motorcycle safety course, and
 2. They carry \$20,000 or more in first party medical insurance. MCL 257.658.
- E. OPEN INTOX IN A VEHICLE.** 2012 PA 306. Effective October 1, 2012. Specifies that an open alcohol container can be stored in a vehicle without a trunk by placing it in a locked glove compartment, or behind the last upright seat, or in an area not normally occupied by the operator or passenger. MCL 257.624a(2).
- F. OWI.**
1. **HIGH BAC ORDINANCES.** 2012 PA 7-11. Effective February 15, 2012. Allows cities, villages and townships to enact a high BAC ordinance with a maximum penalty of 180 days. MCL 117.3; MCL 42.21; MCL 41.181; MCL 66.2.
 2. **HUFFING.** 2012 PA 543. Effective March 31, 2013. Precludes operating while intoxicated or impaired by any intoxicating substance. MCL 257.625(1-3).
 - a. Intoxicating substance means any substance, preparation, or a combination of substances and preparations other than alcohol or a controlled substance that is either:
 - (i) Recognized as a drug in official US pharmacopoeias or the official national formulary, or
 - (ii) A substance, other than food, taken into a person's body, including, but not limited to, vapors or fumes, that is used in a manner or for a purpose for which it was not intended, and that may result in a condition of intoxication. MCL 257.625(25)(a).
- G. PHYSICIAN REPORTS.** 2012 PA 354-355. Effective December 13, 2012. Allows a physician or optometrist to submit a confidential report to the Secretary of State that it is unsafe to allow a person to continue to drive. MCL 333.25139.

H. RECREATIONAL VEHICLES. 2012 PA 80. Effective April 11, 2012. Limits the length of an RV plus trailer to 65 feet. If the operator has a commercial motor vehicle designation, the length can be 75 feet. MCL 257.719.

I. RESTRICTED LICENSES. 2012 PA 306. Effective October 1, 2012.

1. Allow more destinations to which a driver with a restricted license may travel to include court hearings, drug testing, medical treatment, ignition interlock service provider and court-ordered community service. MCL 257.304(4).
2. An operator with a restricted license must carry proof of destination and hours of employment, class, or other location and to produce it upon the request of a peace officer. MCL 257.304(5).
3. Prohibits a hearing officer from granting a restricted license until the offender has operated with an ignition interlock device for not less than 1 year and has satisfied other statutory and rule requirements. MCL 257.304(6).
4. A certificate of completion from a DWI/sobriety court program shall be considered positive evidence of the offender's abstinence while a program participant. MCL 257.304(7).

J. SNOW REMOVAL VEHICLES. 2012 PA 262. Effective July 2, 2012. Requires commercial snow removal vehicles to have a flashing, rotating or oscillating yellow or amber light. MCL 257.628c.

1. A violation is a misdemeanor punishable by imprisonment for up to 90 days and/or a fine of up to \$500.

VII. VICTIM RIGHTS

A. PAROLE. 2012 PA 564. Effective March 28, 2013. Allows any victim of the defendant's course of conduct the following post-conviction rights.

1. Notice that the defendant has escaped. Notice shall be given within 24 hours of the reported escape. MCL 780.770.
2. Notice of any parole or commutation hearing. MCL 780.719(e).
3. Notice of the right to address the parole board and present exhibits or other documentary evidence. MCL 780.719(e).
4. Notice of whether a prisoner or parolee has died. MCL 780.719(n).

B. PRISONERS POSSESSING VICTIM ITEMS. 2012 PA 598. Effective March 28, 2013. Upon a victim's request, the DOC must confiscate any of the following items possessed by a prisoner. MCL 791.269.

1. Any item belonging to the victim or that used to belong to the victim.
2. Any photograph, drawing, or other visual image or representation of the victim.

C. PRIVACY FOR CHILD VICTIMS. 2012 PA 457. Effective December 31, 2012. Makes the following information exempt from FOIA for victims of child abuse, CSC, assault with intent to commit CSC, or a similar crime if the victim was under 18 years of age. MCL 780.758.

1. The victim's name and address.
2. The name and address of an immediate family member or relative of the victim who has the same surname.
3. Any other information that would tend to reveal the identity of the victim, including a reference to the victim's familial or other relationship to the accused.

VIII. MISCELLANEOUS

- A. ALCOHOL.** 2012 PA 82. Effective April 11, 2012. Allows a liquor license to be revoked for 3 violations of furnishing alcohol to a minor within a 12 month period. MCL 436.1501.
- B. ASSISTANT PROSECUTORS.** 2012 PA 72-73. Effective April 6, 2012. Removes the requirement of judicial approval of assistant prosecutor appointments. MCL 776.18 & MCL 49.41.
- C. BURNING HOUSEHOLD WASTE.** 2012 PA 102. Effective April 19, 2012. Prohibits the open burning of household waste that contains plastic, rubber, foam, chemically treated wood, textiles, electronics, chemicals or hazardous materials. The violation is a civil infraction. MCL 324.11522.
- D. COURT CONCURRENT JURISDICTION PLANS.** 2012 PA 338. Effective January 1, 2013. Requires the judges within a judicial circuit to adopt a plan for concurrent jurisdiction, unless a majority of the judges vote not to adopt any plan. All plans must be approved by the supreme court. MCL 400.601.
- E. FINGERPRINTING FEES.** 2012 PA 318. Effective October 1, 2012. Continues the authority of the MSP to charge a fee for fingerprinting and criminal record checks until October 1, 2015. MCL 28.273.
- F. FIREARMS**
- 1. CCW.** 2012 PA 32. Effective February 28, 2012. Allows a person to petition for renewal of a CCW license within 6 months of the expiration of their current license. MCL 28.425L
 - 2. OUT OF STATE PURCHASES.** 2012 PA 378. Effective December 18, 2012. Allows Michigan residents to purchase a rifle or shotgun out of state, or for an out of state resident to purchase a rifle or shotgun in Michigan, so long as they comply with federal law. MCL 3.111 & 3.112.
 - 3. PISTOL PURCHASE PERMITS.** 2012 PA 377. Effective December 18, 2012. Eliminates the pistol permit requirement if the purchaser has a CCW license, is a federally licensed firearms dealer, or the pistol is purchased from a federally licensed firearms dealer. MCL 28.422a.
 - 4. PISTOL SIZE.** 2012 PA 242-244. Effective January 1, 2013. Reduces the allowable length of a pistol from 30 to 26 inches. MCL 750.222e. Allows individuals who previously registered a pistol between 26 and 30 inches in length to continue to treat it as a legal pistol. MCL 750.228.
 - 5. SPORTING CLAYS.** 2012 PA 340. Effective October 16, 2012. Allows a person to transport or possess an unloaded firearm in a vehicle on a sporting clays range. MCL 324.40111.
 - 6. TRANSPORTING.** 2012 PA 427. Effective December 21, 2012. Deletes the lawful purpose definitions for transporting a firearm. The definitions used to limit a lawful purpose for transport to hunting, target shooting, repair, inspection, and moving. MCL 750.231a.
- G. FISHING.** 2012 PA 145. Effective July 2, 2012. Regulates the taking of fish with a crossbow. MCL 324.48703.

- H. HUNTERS WITH A DISABILITY.** 2012 PA 246. Effective July 2, 2012. Allows a disabled person to hunt from a vehicle, other than a car or a truck, in a state licensed game bird hunting preserve. MCL 324.40111.
- I. JUDICIAL POSITIONS.**
- 1. TRIAL JUDGES.** 2012 PA 16-23. Effective February 22, 2012. 2012 PA 33-38. Effective February 28, 2012. Reduces by attrition numerous judicial positions around the state.
 - 2. COURT OF APPEALS.** 2012 PA 40. Effective March 25, 2012. Redistricts the Court of Appeals, and reduces through attrition the number of Judges from 28 to 24. MCL 600.301.
- J. MUNICIPAL JAILS.** 2012 PA 136. Effective May 16, 2012. Allows municipalities in counties under 500,000 in population to seek reimbursement from municipal jail inmates. MCL 801.312.
- K. NURSING JURORS.** 2012 PA 69. Effective May 1, 2012. Allows nursing mothers to claim an exemption from jury service. MCL 600.1307a.
- L. OPEN MEETINGS ACT.** 2012 PA 528. Effective December 28, 2012. Requires posting of rescheduled or special meetings under the Open Meetings Act on the public body's website. MCL 15.265.
- M. PRISONER RE-ENTRY.** 2012 PA 24-27. Effective February 23, 2012. Describes actions a prisoner and the DOC must take to assist a prisoner to obtain identity documents. MCL 791.234c.
- N. PRIVATE PRISONS.** 2012 PA 599. Effective March 28, 2013. Allows the DOC to contract with a privately owned correctional facility. MCL791.220j.
- O. SPEAR FISHING.** 2012 PA 301. Effective September 25, 2012. Repeals the prohibition on spear fishing in Houghton Lake. MCL 324.48501.
- P. VETERANS TREATMENT COURTS.** 2012 PA 334-335. Effective October 16, 2012. Allows circuit and district courts to establish veterans' treatment courts. The provisions basically mirror drug treatment courts.
- Q. VIOLENT TENANTS.** 2012 PA 139-140. Effective May 22, 2012. Allows a landlord to evict a tenant after 7 days notice if the tenant has caused or threatened physical injury to another person. MCL 600.5714.