

# **2013 CRIME LEGISLATION UPDATE**

## **An Outline of Recently Passed Legislation From January 1 to October 30, 2013.**

This outline is a summary of 19 Public Acts passed in 2013 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 & CRIMINAL PROCEDURE**

### **II. CHILDREN**

### **III. ELDER ABUSE**

### **IV. VEHICLES**

### **V. MISCELLANEOUS**

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

Prepared by:

Thomas M. Robertson  
Executive Secretary  
Prosecuting Attorneys Coordinating Council  
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# INDEX

<b>I. NEW CRIMES &amp; CRIMINAL PROCEDURE</b> .....	<b>3</b>
A. ARSON .....	3
B. ELECTRONIC MONITORING .....	3
C. INDIGENT DEFENSE .....	3
D. SEX OFFENDER REGISTRY .....	3
E. VENUE .....	3
F. VICTIM RIGHTS .....	3
<b>II. CHILDREN</b> .....	<b>4</b>
A. CHILD SAFETY SEATS .....	4
<b>III. ELDER ABUSE</b> .....	<b>5</b>
A. FELONY MURDER .....	5
B. FINANCIAL EXPLOITATION .....	5
<b>IV. VEHICLES</b> .....	<b>6</b>
A. OWI .....	6
<b>V. MISCELLANEOUS</b> .....	<b>7</b>
A. AMBER ALERT .....	7
B. FIREARMS .....	7
C. FIREWORKS .....	7
D. HUNTING .....	7
1. OUT OF STATE .....	7
2. WILDLIFE .....	7

## I. NEW CRIMES & CRIMINAL PROCEDURE

**A. ARSON.** 2013 PA 124. Effective October 1, 2013. Updates the sentencing guidelines for arson. MCL 777.16c.

1. First degree arson is a person crime on the A grid.
2. Second degree arson is a person crime on the B grid.
3. Third degree arson is a property crime on the D grid.
4. Fourth degree arson is a property crime on the E grid.
5. Arson of an insured dwelling is a person crime on the A grid.

**B. ELECTRONIC MONITORING.** 2013 PA 54. Effective June 11, 2013. Allows an electronic monitoring device to be order as a bail condition for an assaultive crime. MCL 765.6b

1. Assaultive crime is defined in MCL 770.9a.

**C. INDIGENT DEFENSE.** 2013 PA 93 & 94. Effective July 1, 2013. Creates the Michigan Indigent Defense Commission.

**D. SEX OFFENDER REGISTRY.** 2013 PA 2. Effective June 1, 2013. Places the following Tier I offenses on the public Sex Offender Registry.

1. Possessing child sexually abusive material. MCL 28.428(4)(c)(i).
2. Aggravated indecent exposure if the victim was a minor. MCL 28.428(4)(c)(ii).
3. Unlawful imprisonment if the victim was a minor. MCL 28.428(4)(c)(iii).
4. Video surveillance of an unclothed minor. MCL 28.428(4)(c)(iv).
5. Any substantially similar offense under the law of another state or country. MCL 28.428(4)(c)(v).

**E. VENUE.** 2013 PA 128. Effective October 9, 2013. Provides venue in any county where the defendant intended the felony or acts done in perpetration of the felony to have an effect. MCL 762.8

**F. VICTIM RIGHTS.** 2013 PA 139. Effective October 22, 2013. Clarifies that restitution will go to the estate of a victim who is deceased or dies while any restitution remains unpaid. MCL 780.766(7).

## **II. CHILDREN**

- A. CHILD SAFETY SEATS.** 2013 PA 35. Effective August 20, 2013. Gives the court the discretion to waive fines for not having an appropriate child safety seat if the offender presents proof of purchasing one. MCL 257.907(12).

### **III. ELDER ABUSE**

- A. FINANCIAL EXPLOITATION.** 2013 PA 34. Effective May 21, 2013. Allows the judge to impose a consecutive sentence for financial exploitation of a vulnerable adult. MCL 750.174a.
- B. FELONY MURDER.** 2013 PA 39. Effective June 4, 2013. Makes 1<sup>st</sup> or 2<sup>nd</sup> degree vulnerable adult abuse predicate offenses for felony murder. MCL 750.316

## **IV. VEHICLES**

- A. OFF ROAD VEHICLES.** 2013 PA 118. Effective September 25, 2013. Allows counties to authorize the operation of ORVs on the shoulders of county roads. MCL 324.81131.
- B. OWI.** 2013 PA 23-24. Effective May 9, 2013. Continues Michigan's .08 BAC standard through October 1, 2018. MCL 257.625.

## V. MISCELLANEOUS

- A. AMBER ALERT.** 2013 PA 91 & 92. Effective June 28, 2013. Allows an income tax check off for the amber alert fund. MCL 206.435.
- B. FIREARMS.** 2013 PA 3. Effective December 18, 2012. Changes the definition of federally licensed firearms dealer under the CPL. MCL 28.422a(7).
- C. FIREWORKS.** 2013 PA 65. Effective June 19, 2013. Allows local units of government to regulate the discharge the fireworks. MCL 28.457.
1. Ordinances in municipalities of 50,000 or more in population or that are located in counties with a population of 750,000 or more can prohibit the discharge between midnight and 8 am on the day before, the day of and the day after a national holiday. On New Year's day the time runs from 1 am to 8 am.
  2. Ordinances in municipalities under 50,000 in population or located in counties with a population under 750,000 can prohibit the discharge between midnight and 8 am on the day before, the day of and the day after a national holiday.
- D. HUNTING**
1. **OUT OF STATE.** 2013 PA 111. Effective September 24, 2013. Prohibits prosecution for legally taking game in another state. MCL 324.40109a.
  2. **WILDLIFE.** 2013 PA 37. Effective May 28, 2013. Allows for Michigan license suspensions for out of state wildlife violations. MCL 324.1616.