

2010 CRIME LEGISLATION UPDATE

An Outline of Recently Passed Legislation From January 1 to December 31, 2010.

This outline is a summary of 103 Public Acts passed in 2010 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. CRIMINAL PROCEDURE

III. VEHICLES

IV. VICTIM RIGHTS

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
December 31, 2010

INDEX

I. NEW CRIMES & PENALTIES	5
A. ALCOHOL	5
1. BEER KEGS	5
2. DELIVERY TO MINORS	5
3. ILLEGAL SALE	5
B. BODY ART/TATTOO FACILITIES	5
C. CHARITIES	5
D. COMPELLING MARRIAGE	7
E. CONTROLLED SUBSTANCES	7
F. DUELING	7
G. FERTILIZER	7
H. GANGS	7
I. HEALTH CARE SINGLE USE DEVICES	8
J. HOME OWNER CONSTRUCTION LEIN RECOVERY FUND	8
K. HUMAN TRAFFICKING	8
L. IDENTITY THEFT	9
1. FORFEITURE	9
2. NEW CRIMES	9
3. NEW PENALTIES	10
M. LOCAL HEALTH DEPARTMENT REGULATIONS	10
N. PRIZE FIGHTING	10
O. RACKETEERING	10
P. SELF DEFENSE SPRAYS	10
Q. SEXUALLY ORIENTED BUSINESSES	11
R. SPICE/SALVIA	11

S. TRACKING DEVICES	11
T. UNIVERSITY ORDINANCES	11
U. UTILITY SERVICES	12
1. ASSAULTING EMPLOYEE	12
2. THEFT	12
II. CRIMINAL PROCEDURE	13
A. BOOT CAMPS	13
B. DRUG TREATMENT COURTS	13
C. FORFEITURE	13
D. PAROLE	13
1. DEPORTATION	13
2. PRE-MARCH 1, 2003 DRUG OFFENDERS	13
E. PRESENTENCE REPORTS	13
III. VEHICLES	14
A. ACCIDENTS	14
B. DANGLING OBJECTS	14
C. DRIVING IMPROVEMENT COURSE	14
D. DWI/SOBRIETY COURT INTERLOCK PILOT PROJECT	14
E. GRADUATED LICENSES	14
F. RECREATION PASSPORTS.	14
G. TEXTING WHILE DRIVING	14
H. TICKET QUOTAS	14
IV. VICTIM RIGHTS	15
A. ASSESSMENTS	15
B. COMPENSATION	15

C. CRIME VICTIM SERVICES FUND	15
1. SUNSETTED SERVICES	15
2. TRAUMA SYSTEM	15
D. HUMAN TRAFFICKING	16
V. MISCELLANEOUS	17
A. CHILDREN	17
1. CHILD ABUSE REGISTRY	17
2. FOSTER CARE	17
3. SAFE DELIVERY OF NEWBORNS	17
4. TERMINATION OF PARENTAL RIGHTS	17
B. COLLECTING FINES AND COSTS	17
C. DOMESTIC VIOLENCE/STALKING	17
1. LEASE AGREEMENTS	17
2. PERSONAL PROTECTION ORDERS	18
D. FIREARMS	18
1. CONFISCATED FIREARMS	18
2. FEDERALLY LICENSED DEALERS	18
E. FISHING	18
1. LICENSES	18
2. CATCH LIMITS	18
F. MEDICAL EXAMINERS	19
G. PERSONAL FLOATATION DEVICES	19
H. PRIVATE COLLEGE SECURITY FORCE	19
I. SEALED DOCUMENTS	19
J. SWINE RUNNING AT LARGE	19

I. NEW CRIMES & PENALTIES

A. ALCOHOL.

1. **BEER KEGS.** 2010 PA 344. Effective December 21, 2010. Requires sold beer kegs to have an identification tag that allows the keg to be traced to the purchaser. It is misdemeanor punishable by imprisonment for up to 93 days and/or a fine of up to \$500 to do any of the following.
 - a. Remove an identification tag from a beer keg. MCL 436.2030(5)(b)(i).
 - b. Allow the removal of the ID tag from a beer keg purchased by that individual. MCL 436.2030(5)(b)(ii).
 - c. Provide false information in the purchase of a beer keg. MCL 436.2030(5)(b)(iii).
2. **DELIVERY TO MINORS.** 2010 PA 266-267. Effective June 30, 2011. Requires a 180 suspension of the operators license of a person convicted for the second time of delivering alcohol to minors. These penalties only apply to defendants who are not licensed by the liquor control commission, or who are not agents of the licensees. MCL 257.319; MCL 436.1701.
3. **ILLEGAL SALE.** 2010 PA 175 & 176. Effective September 30, 2010. Creates new penalties for the illegal sale, delivery or importation of alcohol.
 1. If the amount involved is 80,000 milliliters or more it's a felony, punishable by imprisonment for not more than 4 years and/or a fine of not more than \$5,000. MCL 436.1909(4)(a). It is an F felony under the guidelines. MCL 777.14f.
 2. If the amount involved is 8,000 to 80,000 milliliters it's a misdemeanor, punishable by imprisonment for not more than 93 days and/or a fine of not more than \$2,500. MCL 436.1909(4)(b).
 3. If the amount involved is less than 8,000 milliliters it's a state civil infraction, punishable by a fine of not more than \$1,000. MCL 436.1909(4)(c)
 4. The felony violation is included in the definition of racketeering. MCL 750.159g(mm).

B. BODY ART/TATTOO FACILITIES. 2010 PA 375. Effective December 22, 2010. Makes it a misdemeanor punishable by imprisonment for up to 93 days and/or a fine of up to \$2,500 to violate the rules regulating body art facilities. MCL 333.1301 et. seq.

C. CHARITIES. 2010 PA 377-378. Effective March 30, 2011. Creates new misdemeanor and felony violations of the charitable organizations and solicitation act.

1. It's a misdemeanor punishable by imprisonment for up to 6 months and/or a fine of up to \$5,000.00 to do any of the following. MCL 400.293(1).
 - a. Knowingly misrepresent or mislead any person in any manner to believe that a person on whose behalf a solicitation effort is conducted is a charitable organization or that the proceeds of a solicitation effort are for charitable purposes.
 - b. Knowingly divert or misdirect contributions to a purpose or organization other than for which the funds were contributed or solicited.

- c. Knowingly misrepresent that funds solicited or contributed will be used for a specific charitable purpose.
- d. Knowingly misrepresent that a donor will receive special benefits or treatment or that failure to make a contribution will result in unfavorable treatment.
- e. Employ any device, scheme, or artifice to defraud or obtain money or property from a person by means of a false, deceptive, or misleading pretense, representation, or promise.
- f. Knowingly fail to file any materials, information, or report required under this act.
- g. Engage in any of the following practices and wrongfully obtain more than \$1,000.00 and less than \$5,000.00, in the aggregate, as a result of the practice or practices:
 - (i) Knowingly misrepresent that a person soliciting contributions or other funds for a charitable organization has a sponsorship, approval, status, affiliation, or other connection with a charitable organization or charitable purpose that the person does not have.
 - (ii) Knowingly use a name, symbol, or statement so closely related or similar to a name, symbol, or statement used by another charitable organization or governmental agency that use of that name, symbol, or statement is confusing or misleading.
 - (iii) Knowingly use a bogus, fictitious, or nonexistent organization, address, or telephone number in any solicitation.
 - (iv) Knowingly misrepresent or mislead any person in any manner to believe that a person or governmental agency sponsors, endorses, or approves a solicitation effort if that person or agency has not given written consent to the use of the person's or agency's name for that purpose.
 - (v) Knowingly misrepresent that the amount or percentage of a contribution that a charitable organization will receive for a charitable program after costs of solicitation are paid is greater than the amount or percentage of the contribution the charitable organization will actually receive.
 - (vi) Knowingly solicit contributions, conduct a charitable sales promotion, or otherwise operate in this state as a charitable organization or professional fund raiser unless the information required under this act is filed with the attorney general.
 - (vii) Aid, abet, or otherwise permit a person to solicit contributions or conduct a charitable sales promotion in this state unless the person soliciting contributions or conducting the charitable sales promotion has complied with the requirements of this act.
 - (viii) Knowingly solicit or receive a contribution, conduct a charitable sales promotion, or sell memberships in this state for or on behalf of any charitable organization subject to the provisions of this act that is not registered under this act.

2. It's a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$20,000.00 to do any of the following. MCL 400.293(2). It is an E felony under guidelines. MCL 777.14a.
 - a. Engage in any practice or practices described in subsection (1)(a), (b), (c), (d), or (e) above if the aggregate amount of money fraudulently collected or wrongfully diverted from the charitable purpose for which the money was solicited exceeds \$1,000.00.
 - b. Engage in any practice or practices described in subsection (1)(g) above and wrongfully obtain more than \$5,000.00, in the aggregate.
 - c. Knowingly submit any of the following in materials or statements required under this act or requested by the attorney general:
 - (i) Any document or statement purporting to have been signed, certified, attested to, approved by, or endorsed by a person if the signature, certification, attestation, approval, or endorsement is not genuine or has not been given by that person.
 - (ii) Any document containing any materially false statement.
3. A person is presumed to have committed a violation knowingly if the attorney general provided written notice identifying alleged violations to the person before the acts or omissions occurred.
4. This section does not limit or restrict prosecution under the general criminal statutes of this state.

D. COMPELLING MARRIAGE. 2010 PA 97 & 102. Effective June 25, 2010. Repeals the statutes prohibiting the taking of a women and compelling her to marry. MCL 750.11 and 750.12.

E. CONTROLLED SUBSTANCES. 2010 PA 354-355. Effective December 22, 2010. Makes it a felony for a person to fraudulently obtain or attempt to obtain a controlled substance or a prescription for a controlled substance from a health care provider. MCL 333.7403a.

1. The penalty is imprisonment for up to 4 years and/or a fine of up to \$5,000. It is an F felony on the guidelines. MCL 777.13m.
2. A first offender may be given 7411 treatment. MCL 333.7403a(5).
3. The physician-patient, dentist-patient, or other health professional-patient privileges are abrogated. MCL 333.7403a(2).

F. DUELING. 2010 PA 94-96. Effective June 22, 2010. Repeals the crime of dueling. MCL 750.171

G. FERTILIZER. 2010 PA 299. Effective December 16, 2010. Punishes attempted violations for improper fertilizer applications the same as the completed offense. MCL 324.8520(5-6).

H. GANGS. 2010 PA 278. Effective December 12, 2010. Enacts sentencing guidelines for gang recruitment and retaliating for withdrawing from a gang. Gang recruitment is an E felony, and retaliating for withdrawing from a gang is a B felony. MCL 777.16t.

I. HEALTH CARE SINGLE USE DEVICES. 2010 PA 25 & 26. Effective March 26, 2010. Makes it a felony for a health care professional to reuse, recycle, refurbish for reuse, or provide for reuse, a single-use device on a human patient that has not been properly reprocessed. MCL 333.20153(2).

1. A single use device means a medical device that is intended for 1 use or procedure on a human patient. MCL 333.20153(1)(e).
2. The penalty is imprisonment for up to 10 years and/or a fine of up to \$50,000. MCL 333.20153(4). It is a D felony under the guidelines. MCL 777.13n.

J. HOME OWNER CONSTRUCTION LEIN RECOVERY FUND. 2010 PA 147-151. Effective August 23, 2010. Repeals the statutes creating the fund and the felony penalty for submitting false information to receive payment from the fund. MCL 570.1207.

K. HUMAN TRAFFICKING. 2010 PA 360-364. Effective April 1, 2011. Adds the following offenses to the human trafficking statutes.

1. Knowingly providing or obtaining the labor or services of another person by force, fraud or coercion. It's a felony punishable by imprisonment for up to 10 years and/or a fine of up to \$10,000. MCL 750.462j(1)(a). It's a D felony under the guidelines. MCL 777.16w.
 - a. The penalty increases to imprisonment for up to 20 years and/or a fine of up to \$20,000 if the offense involves a minor, a commercial sex act, or involves serious physical harm to any person. MCL 750.462j(1)(b). It's a B felony under the guidelines. MCL 777.16w.
 - b. The penalty increases to life or any term of years and/or a fine of up to \$50,000 if it involves the death of any person. MCL 750.462j(1)(c). It's an A felony under the guidelines. MCL 777.16w.
2. Knowingly recruiting, harboring, transporting, providing or obtaining a person for labor or services for the purpose of holding that person in involuntary servitude or debt bondage. It's a felony punishable by imprisonment for up to 10 years and/or a fine of up to \$10,000. MCL 750.462j(2)(a). It's a D felony under the guidelines. MCL 777.16w.
 - a. The penalty increases to imprisonment for up to 20 years and/or a fine of up to \$20,000 if the offense involves a minor, a commercial sex act, or involves serious physical harm to any person. MCL 750.462j(2)(b). It's a B felony under the guidelines. MCL 777.16w.
 - b. The penalty increases to life or any term of years and/or a fine of up to \$50,000 if it involves the death of any person. MCL 750.462j(2)(c). It's an A felony under the guidelines. MCL 777.16w.
3. Allows multiple convictions for other violations arising out of the same transaction. MCL 750.462j(3).
4. Discretionary consecutive sentences. MCL 750.462j(3).

5. Key definitions:
- a. “Coercion” includes, but is not limited to:
 - (i) A threat to harm or physically restrain any person or the creation of any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in harm to or physical restraint against any person.
 - (ii) The confiscation of documents without regard to whether the documents are fraudulent or fraudulently obtained; and the abuse or threatened abuse of the legal system, including threats of arrest or deportation without regard to whether the person being threatened is subject to arrest or deportation. MCL 750.462j(6)(a).
 - b. “Commercial sex act” means either:
 - (i) Any act of sexual penetration or contact for which anything of value is given to, or is received by, any person.
 - (ii) Any sexually explicit performance for which anything of value is given to, or is received by, any person.
 - (iii) Child sexually abusive activity or material. MCL 750.462j(6)(b).
 - c. “Debt bondage” includes, but is not limited to, the status or condition of a debtor arising from a pledge by the debtor of his or her personal services, or of those of a person under his or her control as a security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined. MCL 750.462j(6)(c).
 - d. “Fraud” includes, but is not limited to, a false or deceptive offer of employment or marriage. MCL 750.462j(6)(e).
 - e. “Involuntary servitude” includes, but is not limited to, a state of providing labor or services entered into or maintained by means of force, fraud or coercion. MCL 750.462j(6)(f).

L. IDENTITY THEFT.

1. **FORFEITURE.** 2010 PA 314. Effective April 1, 2011. Creates a procedure for the forfeiture of property under the Identity Theft Protection Act that is the same as forfeiture under the controlled substance act. MCL 445.79a - 445.79c.
2. **NEW CRIMES.** 2010 PA 318-319. Effective April 1, 2010. Creates new identity theft crimes.
 - a. Making an email under false pretenses purporting to be on behalf of a business in an attempt to obtain personal identifying information with the intent to use that information to commit identity theft. MCL 445.67(a).
 - b. Creating or operating a webpage that fraudulently represents itself as belonging to a business in an attempt to obtain personal identifying information with the intent to use that information to commit identity theft. MCL 445.67(b).

- c. Altering a setting on a user's computer that causes the user to view a communication which fraudulently represents itself as belonging to a business in an attempt to obtain personal identifying information with the intent to use that information to commit identity theft. MCL 445.67(c).
- d. The penalty for a first offense is imprisonment for up to 5 years and/or a fine of up to \$25,000. MCL 445.69(1)(a). It is an E felony under the guidelines. MCL 777.14h.
- e. The penalty for a second offense is imprisonment for up to 10 years and/or a fine of up to \$50,000. MCL 445.69(1)(b). It's a D felony under the guidelines. MCL 777.14h.
- f. The penalty for a third offense is imprisonment for up to 15 years and/or a fine of up to \$75,000. MCL 445.69(1)(c). It's a C felony under the guidelines. MCL 777.14h.

3. NEW PENALTIES. 2010 PA 315. Effective April 1, 2010. Increases the penalties for the following violations of the Identity Theft Protection Act.

- a. The penalty for a first offense of unauthorized denial or solicitation of credit increases to imprisonment for up to 93 days and/or a fine of up to \$1,000. MCL 445.71(2)(a).
 - (i) The fine for a second offense increases to \$2,000. MCL 445.71(2)(b).
 - (ii) The fine for a third offense increases to \$3,000. MCL 445.71(2)(c).
- b. The penalty for a first offense of false notice of a security breach increases to imprisonment for up to 93 days and/or a fine of up to \$250. MCL 445.72(12)(a).
 - (i) The fine for a second offense increases to \$500. MCL 445.72(12)(b).
 - (ii) The fine for a third offense increases to \$750. MCL 445.72(12)(c) .
- c. The penalty for a first offense of misrepresentation of a security breach increases to imprisonment for up to 93 days and/or a fine of up to \$1,000. MCL 445.72b(3)(a).
 - (i) The fine for a second offense increases to \$2,000. MCL 445.72b(3)(b).
 - (ii) The fine for a third offense increases to \$3,000. MCL 445.72b(3)(c) .

M. LOCAL HEALTH DEPARTMENT REGULATIONS. 2010 PA 72. Effective May 13, 2010. Increases the penalties for violating local health department regulations from 90 days to imprisonment for up to 6 months and/or a fine of up to \$200. MCL 333.2443.

N. PRIZE FIGHTING. 2010 PA 98-100. Effective June 22, 2010. Repeals the statutes prohibiting unlicensed prize fighting. MCL 750.442 to 750.447.

O. RACKETEERING. 2010 PA 377. Effective April 1, 2011. Includes human trafficking, Internet or computer crimes, and felony identity theft as predicate offenses for racketeering. MCL 750.159g.

P. SELF DEFENSE SPRAYS. 2010 PA 365. Effective December 22, 2010. Increases the fine for selling a self-defense spray to a minor. The penalty is imprisonment for up to 90 days and/or a fine of up to \$500. MCL 750.224d.

- Q. SEXUALLY ORIENTED BUSINESSES.** 2010 PA 342-343. Effective December 21, 2010. Regulates signs and billboards that advertise sexually oriented businesses. Violations are subject to a civil fine of \$5,000 to \$10,000 for each day of the violation. MCL 252.318a.
- R. SPICE/SALVIA.** 2010 PA 169-171. Effective October 1, 2010. Includes Spice, khat and Salvia Divinorum in schedule 1. Penalties for possession and use are the same as for possession and use of marijuana. MCL 333.7212, 333.7403 and 333.7404. BZP was also added to schedule 1. **2010 PA 352, effective December 22, 2010 inadvertently increased the penalty for possession of spice, salvia and khat from imprisonment for up to 1 year to imprisonment for up to 2 years. MCL 333.7403(2)(b)(ii).**
- S. TRACKING DEVICES.** 2010 PA 107. Effective August 1, 2010. Makes it a misdemeanor punishable by imprisonment for up to 1 year and/or fine of up to \$1,000 to do any of the following:
1. Install, place or cause a tracking device to be placed on a motor vehicle without the owner or lessee's consent. MCL 750.539L(1)(a).
 2. Track a motor vehicle without the owner or lessee's consent. MCL 750.539L(1)(b).
 3. If restrained by a protective order, use a tracking device to track the protected person. MCL 750.539L(1)(c).
 4. If on probation or parole for an assaultive or DV crime, tracks the location of a vehicle occupied by the victim or a family member. MCL 750.539L(1)(d). Note: this violation does not require the use of a tracking device.
 - a. Assaultive crime is defined at MCL 770.9a.

Exceptions:

1. GPS, OnStar, LoJack, Diagnostic equipment. MCL 750.539L(2)(a-d).
 2. Device installed with notice to the lessee. MCL 750.539L(2)(e).
 3. Device installed by a parent on a car operated by their child. MCL 750.539L(2)(f).
 4. Device legally installed by a police officer, court officer or bail agent. MCL 750.539L(2)(g-i).
 5. Device installed by a professional investigator, so long as the PI is not acting on behalf of a person subject to a restraining order or to aid the commission of a crime. MCL 750.539L(2)(j).
- T. UNIVERSITY ORDINANCES.** 2010 PA 262. Effective December 14, 2010. Removes the \$25 cap on civil infraction fines for violating university ordinances. MCL 390.892a.

U. UTILITY SERVICES

1. **ASSAULTING EMPLOYEE.** 2010 PA 131-132. Effective October 19, 2010. Creates the following penalties for assaulting an employee or contractor of a utility company:
 - a. Assaulting an employee or contractor of a public utility while in the performance of their duties, or because of the person's status as an employee or contractor, is a misdemeanor, punishable by imprisonment for up to 1 year and/or a fine of up to \$1,000. MCL 750.81e(1).
 - b. If the assault causes bodily injury requiring medical attention, it's a felony punishable by imprisonment for up to 2 years and/or a fine of up to \$1,000. MCL 780.81e(2). It is a G felony under the guidelines. MCL 777.16d.
 - c. If the assault cause serious impairment of a body function, it's a felony punishable by imprisonment for up to 5 years and/or a fine of \$1,000 to \$5,000. MCL 750.81e(3). It is an E felony under the guidelines. MCL 777.16d.
 - d. The person may be convicted of other offenses from the same transaction. MCL 750.81e(4).
2. **THEFT.** 2010 PA 129-130. Effective October 19, 2010. Makes it a felony punishable by imprisonment for up to 5 years and/or a fine of up to \$5,000 to:
 - a. Knowingly sell or transfer or attempt to sell or transfer electric power or natural gas provided by a utility to another person. MCL 750.282a(1)(a).
 - b. The maximum fine increases to \$10,000 for a second offense. MCL 750.282a(1)(b).
 - c. It is an E felony under guidelines. MCL 777.16o.

II. CRIMINAL PROCEDURE

- A. BOOT CAMPS.** 2010 PA 194. Effective September 30, 2010. Extends the boot camp program to September 30, 2012. Allows defendants convicted of home invasion who receive a minimum sentence of 24 months or less to participate. MCL 791.234a(2)(a)(i).
- B. DRUG TREATMENT COURTS.** 2010 PA 177. Effective September 30, 2010. Requires Prosecutor approval if a drug treatment court will include in its program individuals who may be eligible for discharge and dismissal of an offense, delayed sentence, or deviation from the sentencing guidelines. MCL 600.1062.
- C. FORFEITURE.** 2010 PA 363. Effective April 1, 2011. Includes human trafficking and terrorism crimes under the omnibus forfeiture act. MCL 600.4701.
- D. PAROLE.**
- 1. DEPORTATION.** 2010 PA 223. Effective March 30, 2011. Allows for parole after serving $\frac{1}{2}$ of the minimum sentence for some prisoners subject to a deportation order. Prisoners serving a sentence for 1st or 2nd degree murder, 1st, 2nd or 3rd degree CSC, or as a habitual offender are not eligible. MCL 791.234b.
 - 2. PRE-MARCH 1, 2003 DRUG OFFENDERS** 2010 PA 351-353. Effective December 22, 2010. Makes the following changes for certain drug offenders who committed their offense prior to March 1, 2003.
 - a. Ends lifetime probation. MCL 333.7401(4) & MCL 333.7403(3).
 - b. Allows parole after serving 17.5 or 20 years for a person sentenced to mandatory life for attempted delivery of 650 or more grams of heroin or cocaine. MCL 791.234(7) & (10).
 - c. Allows parole after serving 17.5 or 20 years for a person sentenced to more than 20 years for delivery or possession of 650 or more grams of heroin or cocaine. MCL 791.234(13).
 - d. Clarifies that persons given a 20 or 10 year minimum for delivery of heroin or cocaine for a crime that occurred before March 1, 2003, but sentenced after March 1, 2003, would be eligible for parole after serving $\frac{1}{2}$ of the minimum. MCL 791.234(14-15).
 - e. Clarifies that persons given a consecutive sentence for delivery of less than 25 grams of heroin or cocaine for a crime that occurred before March 1, 2003, but sentenced after March 1, 2003, would be eligible for parole after serving $\frac{1}{2}$ of the minimum for each 25 gram sentence. MCL 791.234(16).
- E. PRESENTENCE REPORTS.** 2010 PA 247-248. Effective December 14, 2010. Requires that a copy of the PSI be given to the prosecution and defense 2 days before sentencing. MCL 771.14.
1. Both the prosecution and defense can keep copies of the report.
 2. Copies of any amended reports must also be provided to each party.
 3. The home, work, school or worship phone number or address of the victim shall not be included in the PSI unless it is the location of the crime. The victim may request that additional phone numbers or addresses be excluded.

III. VEHICLES

- A. ACCIDENTS.** 2010 PA 10. Effective March 9, 2009. Requires a driver in a non serious injury crash to remove their operable vehicle from the traveled portion of a roadway. Violations are civil infractions. MCL 257.618a.
- B. DANGLING OBJECTS.** 2010 PA 258. Effective December 14, 2010. Removes the vehicle code provision prohibiting dangling objects from the rear view mirror, and replaces it with language prohibiting the use of any object that obstructs the vision of the driver. MCL 257.709.
- C. DRIVING IMPROVEMENT COURSE.** 210 PA 289. Effective December 16, 2010. Requires the sponsor of a driver improvement course approved by the Secretary of State to file a certificate that the driver has completed the course. Completion of the course keeps points off the driver record. MCL 257.320d.
- D. DWI/SOBRIETY COURT INTERLOCK PILOT PROJECT.** 2010 PA 154-155. Effective September 2, 2010. Creates a DWI/Sobriety Court Interlock Pilot Project.
1. Under the 3 year pilot, repeat OWI offenders participating in a sobriety court will be allowed to receive a restricted license if they obtain an interlock. MCL 600.1084.
 2. The restricted license would last until the offender becomes eligible for restored driving privileges. Any violation of DWI court rules, interlock violations, an offense requiring a license suspension or failure to pay all fines, fees and costs ends the restricted license. MCL 257.304.
- E. GRADUATED LICENSES.** 2010 PA 268. Effective March 30, 2011. A person with a level 2 graduated license can have no more than one non-family member under the age of 21 in the car at the time of operation. MCL 257.310e.
- F. RECREATION PASSPORTS.** 2010 PA 32-35. Effective October 1, 2010. Allows all Michigan motorists to purchase a recreation passport for \$10 whenever they renew their vehicle registrations.
1. The passport will be a registration tab or sticker that allows access to all state parks and boating facilities. MCL 257.805.
 2. Using a state park or boating facility without the passport or park pass will be a state civil infraction. MCL 324.78119(5) & MCL 324.74122(2).
- G. TEXTING WHILE DRIVING.** 2010 PA 58-60. Effective July 1, 2010. Bans texting while driving. It is a civil infraction with a fine of \$100 for a 1st offense, and \$200 for a second. MCL 257.602b. There are no points for the violation. MCL 257.320a(2).
- H. TICKET QUOTAS.** 2010 PA 226. Effective December 10, 2010. Prohibits police management from requiring a specified level of traffic tickets in evaluating an officer's performance. MCL 257.750.

IV. VICTIM RIGHTS

A. ASSESSMENTS. 2010 PA 281. Effective December 16, 2010. Makes the following changes to the victim assessment law. MCL 780.905.

1. The assessment for a felony conviction is increased from \$60 to \$130.
2. The assessment for a serious or specified misdemeanor is increased from \$50 to \$75.
3. The assessment for a juvenile offense is increased from \$20 to \$25.
4. The new assessment rates took effect on December 16, 2010.
5. The new assessments apply to crimes committed after December 16, 2010. Applying the new higher rates to crimes committed prior to December 16 would violate the ex post facto clause of the state and federal constitutions.

B. COMPENSATION. 2010 PA 282. Effective December 16, 2010. Makes the following changes to the crime victim compensation law. MCL 18.361.

1. The total maximum award is increased from \$15,000 to \$25,000.
2. The maximum award for lost earnings or support is increased from \$200 to \$350 per week.
3. The maximum funeral award is increased from \$2,000 to \$5,000.
4. Up to \$500 may be awarded for grief counseling for children, parents, grandparents and siblings.
5. Up to \$500 may be awarded for crime scene clean up services performed at the victim or claimant's residence.
6. These new rates will apply to claims awarded after December 16, 2010.

C. CRIME VICTIM SERVICES FUND.

1. **SUNSETTED SERVICES.** 2010 PA 202. Effective October 5, 2010. Allows crime victim services funds to be used to fund the sex offender registry, state amber alert program, treatment services for sexual assault victims, MSP polygraph services, and expert testimony by MSP forensic scientists through October 1, 2010. MCL 780.904.
2. **TRAUMA SYSTEM.** 2010 PA 280. Effective April 1, 2010. Provides that any funds in the crime victim rights fund in excess of those necessary to fund victim rights services and crime victim compensation may be appropriated by the legislature to establish and run a state wide trauma system. MCL 780.904.

D. HUMAN TRAFFICKING. 2010 PA 364. Effective April 1, 2011. In addition to ordering full restitution under the CVRA, the court may also order restitution for the following expenses in human trafficking cases. MCL 780.766b.

1. Lost income, calculated by whichever of the following methods results in the largest amount:
 - a. The gross amount received by the defendant from or the value to the defendant of the victim's labor or services.
 - b. The value of the victim's labor or services as calculated under the minimum wage law.
 - c. Income loss as calculated under MCL 780.766(4)(c) .
2. The cost of transportation, temporary housing, and child care expenses incurred by the victim because of the offense.
3. Attorney fees and other costs and expenses incurred by the victim because of the offense, including, but not limited to, costs and expenses relating to assisting the investigation of the offense and for attendance at related court proceedings.
4. Any other loss suffered by the victim as a proximate result of the offense.

V. MISCELLANEOUS

A. CHILDREN.

1. **CHILD ABUSE REGISTRY.** 2010 PA 81. Effective May 21, 2010. Allows an individual to provide an employer or volunteer organization with a statement from DHS that he or she is not on the child abuse registry if the employment or volunteer work will involve contact with children. MCL 722.627j.
2. **FOSTER CARE.** 2010 PA 265. Effective December 14, 2010. Requires notification of a child's relatives whenever a child is placed in foster care so the relatives can be considered for the placement. MCL 722.954a.
3. **SAFE DELIVERY OF NEWBORNS.** 2010 PA 348-349. Effective December 22, 2010. Clarifies procedures for terminating parental rights when a newborn is surrendered under the safe delivery of newborns law. MCL 712.15 & MCL 712.17.
4. **TERMINATION OF PARENTAL RIGHTS.** 2010 PA 7 & 12. Effective September 4, 2010. Limits the circumstances for filing a child protective proceedings petition or a petition to terminate parental rights when it is based upon voluntary termination of another child after the filing of a petition. Petitions can only be filed when the prior petition involved the following circumstances:
 - (i) Abandonment of a young child.
 - (ii) Criminal sexual conduct involving penetration, attempted penetration, or assault with intent to penetrate.
 - (iii) Battering, torture, or other severe physical abuse.
 - (iv) Loss or serious impairment of an organ or limb.
 - (v) Life-threatening injury.
 - (vi) Murder or attempted murder.
 - (vii) Voluntary manslaughter.
 - (viii) Aiding and abetting, attempting to commit, conspiring to commit, or soliciting murder or voluntary manslaughter. MCL 712a.18(1)(b)(ii) & 712a.19b(3)(m).

- B. COLLECTING FINES AND COSTS.** 2010 PA 225. Effective December 10, 2010. Makes any fine, cost, reimbursement, restitution, assessment or fee ordered in any criminal case or civil infraction recoverable like a civil judgment. MCL 600.4805.

C. DOMESTIC VIOLENCE/STALKING

1. **LEASE AGREEMENTS.** 2010 PA 199. Effective October 5, 2010. Allows a DV or stalking victim to terminate a lease signed after October 5, 2010 without penalty. MCL 554.601b.

2. PERSONAL PROTECTION ORDERS. 2010 PA 19 & 20. Effective March 25, 2010. Makes the following changes to the stalking PPO statute:

1. A PPO can be issued to prevent a person from posting messages on the Internet as prohibited by MCL 750.411s. MCL 600.2950a(1).
2. A PPO can be issued if the respondent has been convicted of committing a sexual assault against the petitioner, or for furnishing obscene material to a minor. MCL 600.2950a(2)(a).
 - a. Sexual assault means a violation, attempted violation, or conspiracy to commit 1st, 2nd, 3rd, or 4th degree CSC, plus assault with intent to commit CSC, or an offense under a similar law of the US, another state, foreign country or tribal or military law. MCL 600.2950a(32)(f).
 - b. Conviction includes assignment to youthful trainee status and juvenile adjudications. MCL 600.2950a(32)(a).
3. A PPO can be issued if the petitioner has been subjected to, threatened with, or placed in reasonable apprehension of a sexual assault by the respondent. The petitioner must allege facts in support of the allegations. A criminal charge or conviction is not required as a condition to issuing the PPO. MCL 600.2950a(2)(b).
4. The rape shield law applies to any hearing on these petitions. MCL 600.2950a(4).

D. FIREARMS.

1. **CONFISCATED FIREARMS.** 2010 PA 294-295. Effective December 16, 2010. Allows a police agency to retain a confiscated firearm for official use or to sell it to a federally licensed firearm dealer.
 - a. The agency must first give 30 days notice to any identified owner and shall place a notice on its website describing the firearm to allow an owner 30 days in which to claim it. MCL 750.539a; MCL 28.434a.
 - b. If the firearm is turned over the state police, the state police must give similar notice before auctioning or destroying the firearm. MCL 750.539.
2. **FEDERALLY LICENSED DEALERS.** 2010 PA 209 & 210. Effective February 15, 2011. Allows federally licensed firearms dealers to purchase, carry, possess or transport a pistol without a state license. MCL 28.422a.

E. FISHING

1. **LICENSES.** 2010 PA 29. Effective March 26, 2010. Sets the fees for 24 hour and 72 hour fishing licenses. Clarifies that a license allows a person to both take and possess fish. MCL 324.43532 & 324.43533.
2. **CATCH LIMITS.** 2010 PA 30. Effective April 1, 2011. Authorizes the Department of Natural and Environmental Resources to set the daily possession limits on all fish varieties. MCL 324.48721.

- F. MEDICAL EXAMINERS.** 2010 PA 108. Effective July 1, 2010. Provides immunity for retaining body parts as part of an autopsy. MCL 52.205.
- G. PERSONAL FLOTATION DEVICES.** 2010 PA 298. Effective December 16, 2010. Exempts a person in a racing shell or rowing scull from the PFD requirement. MCL 324.80164a.
- H. PRIVATE COLLEGE SECURITY FORCE.** 2010 PA 67 & 68. Effective May 13, 2010. Allows private colleges to have a private college security force so long as they have the approval of the prosecutor and sheriff. MCL 338.1087.
- I. SEALED DOCUMENTS.** 2010 PA 56 & 57. Effective April 29, 2010. Allows a seal to be affixed electronically to court or public records, including to electronic documents. MCL 8.3n & MCL 565.232.
- J. SWINE RUNNING AT LARGE.** 2010 PA 69-71. Effective May 13, 2010. Declares swine running at large to be public nuisances.
 - 1. Law enforcement may shoot swine running at large on public or private land.
 - 2. Individuals with a CCW or hunting license may shoot swine running at large on public land, or on private land with the permission of the landowner. MCL 433.14a.