

HOUSE BILL NO. 6225

September 15, 2020, Introduced by Reps. Calley, LaGrand, Stone and Peterson and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 22 of chapter XVII (MCL 777.22), as amended by 2003 PA 134, and by adding section 49k to chapter XVII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XVII
2 Sec. 22. (1) For all crimes against a person, score offense
3 variables 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 13, 14, 19, and 20.
4 Score offense variables 5 and 6 for homicide, attempted homicide,



1 conspiracy or solicitation to commit a homicide, or assault with
2 intent to commit murder. Score offense variable 16 under this
3 subsection for a violation or attempted violation of section 110a
4 of the Michigan penal code, 1931 PA 328, MCL 750.110a. Score
5 offense variables 17 and 18 if the offense or attempted offense
6 involves the operation of a vehicle, vessel, ORV, snowmobile,
7 aircraft, or locomotive.

8 (2) For all crimes against property, score offense variables
9 1, 2, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20.

10 (3) For all crimes involving a controlled substance, score
11 offense variables 1, 2, 3, 12, 13, 14, 15, 19, and 20.

12 (4) For all crimes against public order and all crimes against
13 public trust, score offense variables 1, 3, 4, 9, 10, 12, 13, 14,
14 16, 19, and 20.

15 (5) For all crimes against public safety, score offense
16 variables 1, 3, 4, 9, 10, 12, 13, 14, 16, 19, and 20. Score offense
17 variable 18 if the offense or attempted offense involves the
18 operation of a vehicle, vessel, ORV, snowmobile, aircraft, or
19 locomotive.

20 (6) For all crimes to which it is applicable to the facts of
21 the case, the court may, in its discretion, score offense variable
22 30. Offense variable 30 must be scored after the scoring of offense
23 variables 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
24 17, 18, 19, and 20.

25 **Sec. 49k. (1) Offense variable 30 is diminished capacity. The**
26 **court may score offense variable 30 by subtracting 5 points if**
27 **considered appropriate by the court and if a medical professional**
28 **has determined the defendant has diminished capacity.**

29 (2) As used in this section:



1 (a) "Diminished capacity" means the offender exhibits and has
2 been diagnosed with a condition that manifests as impaired judgment
3 or lack of impulse control such that the offender has a substantial
4 inability to make considered decisions as a mature and neurotypical
5 adult.

6 (b) "Medical professional" means a licensed physician,
7 psychologist, or psychiatrist who has the appropriate licensure or
8 certification to test for and to diagnose neurological,
9 neurodevelopmental, or genetic or congenital disorders that cause
10 diminished capacity.

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

