

From AG Nessel

Re: HB4980-85 10/8/19

LIST OF OFFENSES IN THE MICHIGAN PENAL CODE THAT CAN BE
AGGREGATED OR ENHANCED BASED ON PRIOR CONVICTION FOR THE
SAME/SIMILAR OFFENSE

1. Charge and custody of animals, MCL 750.50
2. Third-degree arson, MCL 750.74
3. Fourth-degree arson, MCL 750.75
4. Fifth-degree arson, MCL 750.77
5. Fire or explosive to destroy property, MCL 750.78
6. Using inflammable, combustible, or explosive material near building or personal property, MCL 750.79
7. Assault/assault and battery, MCL 750.81
8. Check without insufficient funds, MCL 750.131
9. Accosting, etc. a child for immoral purposes, MCL 750.145
10. Use of revoked/cancelled financial transaction device with intent to defraud, MCL 750.157s
11. Fraudulent use of financial transaction device to withdraw funds in violation of contractual limits, MCL 750.157w
12. Improper conduct at a funeral, MCL 750.167d, MCL 750.168
13. Disruption of religious meeting, MCL 750.169
14. Embezzlement (agent, servant, employee, etc.), MCL 750.174
15. Vulnerable adult; prohibited conduct, MCL 750.174
16. Embezzlement by chattel mortgagor, MCL 750.177
17. Embezzlement by part owner, MCL 750.181
18. Legal process, impersonation, false representation, MCL 750.217c
19. False pretenses with intent to defraud, MCL 750.218
20. Obtaining telecommunications service with intent to avoid charge, MCL 750.219
21. Counterfeit marks, MCL 750.263
22. Sale or transfer of electric or gas service illegally obtained, MCL 750.282a
23. Food stamp fraud, MCL 750.300a
24. Custodial interference, MCL 750.350a (sentence depends on whether there is a prior conviction)
25. Larceny, money, goods, MCL 750.356
26. Larceny, motor vehicles, MCL 750.356a
27. First-degree retail fraud, MCL 750.356c
28. Second and third-degree retail fraud, MCL 750.356d
29. Larceny, rented motor vehicle, MCL 750.362a
30. Simulating legal process, MCL 750.368
31. Willful and malicious destruction of property, MCL 750.377a

32. Damaging, etc., a traffic control device, MCL 750.377d
33. Maliciously destroying trees, shrubs, grass, etc., MCL 750.382
34. Willful destruction of cemetery property, MCL 750.387
35. Damage or destruction of research property, MCL 750.395
36. Aggravated stalking, MCL 750.411i
37. Improper posting of messages through electronic medium, MCL 750.411s
38. Cyberbullying, MCL 750.411x
39. Mixing poison/harmful substance in food/drink in public situations, MCL 750.436
40. Prostitution, MCL 750.448, et. seq.
41. Operation of audiovisual device in theatre (recording movies to bootleg), MCL 750.465
42. Legal process, intimidating, obstructing a public officer or employee, MCL 750.478a
43. Fleeing and eluding, failure to obey direction of officer, MCL 750.479a
44. Receiving and concealing stolen property, MCL 750.535
45. Telecommunications access device, improper use, MCL 750.540f
46. Telecommunications device, improper use by employee, MCL 750.540g
47. First-degree criminal sexual conduct, MCL 750.520b
48. Use of device for observing, recording, improper conduct, MCL 750.539d
49. Distribution/dissemination/transmission of recording or photograph of person who has a reasonable expectation of privacy, MCL 750.539j

LIST OF OFFENSES IN THE MICHIGAN VEHICLE CODE THAT CAN BE
AGGREGATED OR ENHANCED BASED ON PRIOR CONVICTION FOR THE
SAME OFFENSE

1. Motorcycle indorsement, suspension/revocation, improper use during period of, MCL 257.312a
2. Perjury/false certification to the Secretary of State, MCL Suspension of driver's license, MCL 257.319(5) (MCL 257.319, and MCL 257.319e also refer to situations when restricted licenses can be issued when there are no prior convictions of listed offenses)
3. Failure to stop at signal of police officer, MCL 257.602
4. Operating while intoxicated, MCL 257.625
5. Assessment for rehabilitative services /OWI sentencing, MCL 257.625b (prior conviction used to determine eligibility)
6. Operating while intoxicated, commercial vehicle, MCL 257.625m
7. Driving motor vehicle while license suspended/revoked, MCL 257.904
8. Assessment for vehicle immobilization, MCL 257.904d (prior convictions taken into consideration when deciding whether to immobilize vehicles)

