

# HOUSE BILL No. 4514

April 2, 2003, Introduced by Reps. Van Regenmorter, Nofs, Howell, Caswell, Richardville, Palsrok, Caul, Hune, Newell, DeRoche, Bisbee, Middaugh, Brandenburg, Acciavatti, LaJoy, Pastor, Casperson, Tabor, Drolet, Milosch, Bieda, Lipsey, Gielegem, Meisner, Moolenaar and Ward and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled  
 "The Michigan penal code,"  
 by amending sections 200i, 200l, 204, 207, 209, 210, 211a, and  
 212a (MCL 750.200i, 750.200l, 750.204, 750.207, 750.209, 750.210,  
 750.211a, and 750.212a), section 200i as added by 1998 PA 207,  
 section 200l as added by 2001 PA 135, sections 204 and 211a as  
 amended by 1998 PA 206, sections 207, 209, and 210 as amended by  
 1998 PA 208, and section 212a as amended by 2002 PA 140.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 200i. (1) A person shall not manufacture, deliver,  
 2 possess, transport, place, use, or release any of the following  
 3 for an unlawful purpose:

4           (a) A harmful biological substance or a harmful biological  
 5 device.

6           (b) A harmful chemical substance or a harmful chemical

1 device.

2 (c) A harmful radioactive material or a harmful radioactive  
3 device.

4 (d) **A harmful electronic or electromagnetic device.**

5 (2) A person who violates subsection (1) is guilty of a crime  
6 as follows:

7 (a) Except as provided in subdivisions (b) to (e), the person  
8 is guilty of a felony punishable by imprisonment for not more  
9 than 15 years or a fine of not more than \$10,000.00, or both.

10 (b) If the violation **directly or indirectly** results in  
11 property damage, the person is guilty of a felony punishable by  
12 imprisonment for not more than 20 years or a fine of not more  
13 than \$15,000.00, or both.

14 (c) If the violation **directly or indirectly** results in  
15 personal injury to another individual other than serious  
16 impairment of a body function or death, the person is guilty of a  
17 felony punishable by imprisonment for not more than 25 years or a  
18 fine of not more than \$20,000.00, or both.

19 (d) If the violation **directly or indirectly** results in  
20 serious impairment of a body function to another individual, the  
21 person is guilty of a felony punishable by imprisonment for life  
22 or any term of years or a fine of not more than \$25,000.00, or  
23 both.

24 (e) If the violation **directly or indirectly** results in the  
25 death of another individual, the person is guilty of a felony and  
26 shall be punished by imprisonment for life without eligibility  
27 for parole and may be fined not more than \$40,000.00, or both.

1           Sec. 200l. (1) A person shall not commit an act with the  
2 intent to cause an individual to falsely believe that the  
3 individual has been exposed to a harmful biological substance,  
4 harmful biological device, harmful chemical substance, harmful  
5 chemical device, harmful radioactive material, ~~or~~ harmful  
6 radioactive device, **or harmful electronic or electromagnetic**  
7 **device.**

8           (2) A person who violates subsection (1) is guilty of a  
9 felony punishable by imprisonment for not more than 5 years or a  
10 fine of not more than \$10,000.00, or both.

11           ~~(3) The court also shall impose costs on a person who~~  
12 ~~violates subsection (1) to reimburse any governmental agency for~~  
13 ~~its expenses incurred as a result of the violation, in the manner~~  
14 ~~provided in section 1f of chapter IX of the code of criminal~~  
15 ~~procedure, 1927 PA 175, MCL 769.1f.~~

16           Sec. 204. (1) A person shall not send or deliver to another  
17 person or cause to be taken or received by any person any kind of  
18 explosive substance or any other dangerous thing with the intent  
19 to frighten, terrorize, intimidate, threaten, harass, injure, or  
20 kill any person, or with the intent to damage or destroy any real  
21 or personal property without the permission of the property owner  
22 or, if the property is public property, without the permission of  
23 the governmental agency having authority over that property.

24           (2) A person who violates this section is guilty of a crime  
25 as follows:

26           (a) Except as otherwise provided in subdivisions (b) to (e),  
27 the person is guilty of a felony punishable by imprisonment for

1 not more than 15 years or a fine of not more than \$10,000.00, or  
2 both.

3 (b) If the violation damages the property of another person,  
4 the person is guilty of a felony punishable by imprisonment for  
5 not more than 20 years or a fine of not more than \$15,000.00, or  
6 both.

7 (c) If the violation causes physical injury to another  
8 individual, other than serious impairment of a body function, the  
9 person is guilty of a felony punishable by imprisonment for not  
10 more than 25 years or a fine of not more than \$20,000.00, or  
11 both.

12 (d) If the violation causes serious impairment of a body  
13 function to another individual, the person is guilty of a felony  
14 punishable by imprisonment for life or any term of years or a  
15 fine of not more than \$25,000.00, or both. ~~As used in this~~  
16 ~~subdivision, "serious impairment of a body function" includes,~~  
17 ~~but is not limited to, 1 or more of the following:~~

18 ~~—— (i) Loss of a limb or use of a limb.~~

19 ~~—— (ii) Loss of a hand, foot, finger, or thumb or use of a hand,~~  
20 ~~foot, finger, or thumb.~~

21 ~~—— (iii) Loss of an eye or ear or use of an eye or ear.~~

22 ~~—— (iv) Loss or substantial impairment of a bodily function.~~

23 ~~—— (v) Serious visible disfigurement.~~

24 ~~—— (vi) A comatose state that lasts for more than 3 days.~~

25 ~~—— (vii) Measurable brain damage or mental impairment.~~

26 ~~—— (viii) A skull fracture or other serious bone fracture.~~

27 ~~—— (ix) Subdural hemorrhage or subdural hematoma.~~

1 (e) If the violation causes the death of another individual,  
2 the person is guilty of a felony and shall be imprisoned for life  
3 without eligibility for parole and may be fined not more than  
4 \$40,000.00, or both.

5 Sec. 207. (1) A person shall not place an explosive  
6 substance in or near any real or personal property with the  
7 intent to frighten, terrorize, intimidate, threaten, harass,  
8 injure, or kill any person, or with the intent to damage or  
9 destroy any real or personal property without the permission of  
10 the property owner or, if the property is public property,  
11 without the permission of the governmental agency having  
12 authority over that property.

13 (2) A person who violates this section is guilty of a crime  
14 as follows:

15 (a) Except as otherwise provided in subdivisions (b) to (e),  
16 the person is guilty of a felony punishable by imprisonment for  
17 not more than 15 years or a fine of not more than \$10,000.00, or  
18 both.

19 (b) If the violation damages the property of another person,  
20 the person is guilty of a felony punishable by imprisonment for  
21 not more than 20 years or a fine of not more than \$15,000.00, or  
22 both.

23 (c) If the violation causes physical injury to another  
24 individual, other than serious impairment of a body function, the  
25 person is guilty of a felony punishable by imprisonment for not  
26 more than 25 years or a fine of not more than \$20,000.00, or  
27 both.

1 (d) If the violation causes serious impairment of a body  
 2 function to another individual, the person is guilty of a felony  
 3 punishable by imprisonment for life or for any term of years or a  
 4 fine of not more than \$25,000.00, or both. ~~As used in this~~  
 5 ~~subdivision, "serious impairment of a body function" includes,~~  
 6 ~~but is not limited to, 1 or more of the following:~~

7 ~~—— (i) Loss of a limb or use of a limb.~~

8 ~~—— (ii) Loss of a hand, foot, finger, or thumb or use of a hand,~~  
 9 ~~foot, finger, or thumb.~~

10 ~~—— (iii) Loss of an eye or ear or use of an eye or ear.~~

11 ~~—— (iv) Loss or substantial impairment of a bodily function.~~

12 ~~—— (v) Serious visible disfigurement.~~

13 ~~—— (vi) A comatose state that lasts for more than 3 days.~~

14 ~~—— (vii) Measurable brain damage or mental impairment.~~

15 ~~—— (viii) A skull fracture or other serious bone fracture.~~

16 ~~—— (ix) Subdural hemorrhage or subdural hematoma.~~

17 (e) If the violation causes the death of another individual,  
 18 the person is guilty of a felony and shall be imprisoned for life  
 19 without eligibility for parole and may be fined not more than  
 20 \$40,000.00, or both.

21 Sec. 209. (1) A person who places an offensive or injurious  
 22 substance or compound in or near to any real or personal property  
 23 with intent to wrongfully injure or coerce another person or to  
 24 injure the property or business of another person, or to  
 25 interfere with another person's use, management, conduct, or  
 26 control of his or her business or property is guilty of a crime  
 27 as follows:

1 (a) Except as otherwise provided in subdivisions (b) to (e),  
2 the person is guilty of a felony punishable by imprisonment for  
3 not more than 15 years or a fine of not more than \$10,000.00, or  
4 both.

5 (b) If the violation damages the property of another person,  
6 the person is guilty of a felony punishable by imprisonment for  
7 not more than 20 years or a fine of not more than \$15,000.00, or  
8 both.

9 (c) If the violation causes physical injury to another  
10 individual, other than serious impairment of a body function, the  
11 person is guilty of a felony punishable by imprisonment for not  
12 more than 25 years or a fine of not more than \$20,000.00, or  
13 both.

14 (d) If the violation causes serious impairment of a body  
15 function to another individual, the person is guilty of a felony  
16 punishable by imprisonment for life or for any term of years or a  
17 fine of not more than \$25,000.00, or both. ~~As used in this~~  
18 ~~subdivision, "serious impairment of a body function" includes,~~  
19 ~~but is not limited to, 1 or more of the following:~~

20 ~~—— (i) Loss of a limb or use of a limb.~~

21 ~~—— (ii) Loss of a hand, foot, finger, or thumb or use of a hand,~~  
22 ~~foot, finger, or thumb.~~

23 ~~—— (iii) Loss of an eye or ear or use of an eye or ear.~~

24 ~~—— (iv) Loss or substantial impairment of a bodily function.~~

25 ~~—— (v) Serious visible disfigurement.~~

26 ~~—— (vi) A comatose state that lasts for more than 3 days.~~

27 ~~—— (vii) Measurable brain damage or mental impairment.~~

1 ~~—— (viii) A skull fracture or other serious bone fracture.~~

2 ~~—— (ix) Subdural hemorrhage or subdural hematoma.~~

3 (e) If the violation causes the death of another individual,  
4 the person is guilty of a felony and shall be imprisoned for life  
5 without eligibility for parole and may be fined not more than  
6 \$40,000.00, or both.

7 (2) A person who places an offensive or injurious substance  
8 or compound in or near to any real or personal property with the  
9 intent to annoy or alarm any person is guilty of a felony  
10 punishable by imprisonment for not more than 5 years or a fine of  
11 not more than \$3,000.00, or both.

12 Sec. 210. (1) A person shall not carry or possess an  
13 explosive or combustible substance or a substance or compound  
14 that when combined with another substance or compound will become  
15 explosive or combustible or an article containing an explosive or  
16 combustible substance or a substance or compound that when  
17 combined with another substance or compound will become explosive  
18 or combustible, with the intent to frighten, terrorize,  
19 intimidate, threaten, harass, injure, or kill any person, or with  
20 the intent to damage or destroy any real or personal property  
21 without the permission of the property owner or, if the property  
22 is public property, without the permission of the governmental  
23 agency having authority over that property.

24 (2) A person who violates ~~this~~ subsection (1) is guilty of  
25 a crime as follows:

26 (a) Except as provided in subdivisions (b) to (e), the  
27 person is guilty of a felony punishable by imprisonment for not



1 more than 15 years or a fine of not more than \$10,000.00, or  
 2 both.

3 (b) If the violation damages the property of another person,  
 4 the person is guilty of a felony punishable by imprisonment for  
 5 not more than 20 years or a fine of not more than \$15,000.00, or  
 6 both.

7 (c) If the violation causes physical injury to another  
 8 individual, other than serious impairment of a body function, the  
 9 person is guilty of a felony punishable by imprisonment for not  
 10 more than 25 years or a fine of not more than \$20,000.00, or  
 11 both.

12 (d) If the violation causes serious impairment of a body  
 13 function to another individual, the person is guilty of a felony  
 14 punishable by imprisonment for life or for any term of years or a  
 15 fine of not more than \$25,000.00, or both. ~~As used in this~~  
 16 ~~subdivision, "serious impairment of a body function" includes,~~  
 17 ~~but is not limited to, 1 or more of the following:~~

18 ~~—— (i) Loss of a limb or use of a limb.~~

19 ~~—— (ii) Loss of a hand, foot, finger, or thumb or use of a hand,~~  
 20 ~~foot, finger, or thumb.~~

21 ~~—— (iii) Loss of an eye or ear or use of an eye or ear.~~

22 ~~—— (iv) Loss or substantial impairment of a bodily function.~~

23 ~~—— (v) Serious visible disfigurement.~~

24 ~~—— (vi) A comatose state that lasts for more than 3 days.~~

25 ~~—— (vii) Measurable brain damage or mental impairment.~~

26 ~~—— (viii) A skull fracture or other serious bone fracture.~~

27 ~~—— (ix) Subdural hemorrhage or subdural hematoma.~~

1 (e) If the violation causes the death of another individual,  
2 the person is guilty of a felony and shall be imprisoned for life  
3 without eligibility for parole and may be fined not more than  
4 \$40,000.00, or both.

5 Sec. 211a. (1) A person shall not manufacture, buy, sell,  
6 furnish, or have in his or her possession any device that is  
7 designed to explode or that will explode upon impact or with the  
8 application of heat or a flame, or that is highly incendiary,  
9 with the intent to frighten, terrorize, intimidate, threaten,  
10 harass, injure, or kill any person, or with the intent to damage  
11 or destroy any real or personal property without the permission  
12 of the property owner or, if the property is public property,  
13 without the permission of the governmental agency having  
14 authority over that property.

15 (2) A person who violates ~~this~~ subsection (1) is guilty of  
16 a crime as follows:

17 (a) Except as provided in subdivisions (b) to (e), the  
18 person is guilty of a felony punishable by imprisonment for not  
19 more than 15 years or a fine of not more than \$10,000.00, or  
20 both.

21 (b) If the violation damages the property of another person,  
22 the person is guilty of a felony punishable by imprisonment for  
23 not more than 20 years or a fine of not more than \$15,000.00, or  
24 both.

25 (c) If the violation causes physical injury to another  
26 individual, other than serious impairment of a body function, the  
27 person is guilty of a felony punishable by imprisonment for not

1 more than 25 years or a fine of not more than \$20,000.00, or  
 2 both.

3 (d) If the violation causes serious impairment of a body  
 4 function to another individual, the person is guilty of a felony  
 5 punishable by imprisonment for life or any term of years or a  
 6 fine of not more than \$25,000.00, or both. ~~As used in this~~  
 7 ~~subdivision, "serious impairment of a body function" includes,~~  
 8 ~~but is not limited to, 1 or more of the following:~~

9 ~~—— (i) Loss of a limb or use of a limb.~~

10 ~~—— (ii) Loss of a hand, foot, finger, or thumb or use of a hand,~~  
 11 ~~foot, finger, or thumb.~~

12 ~~—— (iii) Loss of an eye or ear or use of an eye or ear.~~

13 ~~—— (iv) Loss or substantial impairment of a bodily function.~~

14 ~~—— (v) Serious visible disfigurement.~~

15 ~~—— (vi) A comatose state that lasts for more than 3 days.~~

16 ~~—— (vii) Measurable brain damage or mental impairment.~~

17 ~~—— (viii) A skull fracture or other serious bone fracture.~~

18 ~~—— (ix) Subdural hemorrhage or subdural hematoma.~~

19 (e) If the violation causes the death of another individual,  
 20 the person is guilty of a felony and shall be imprisoned for life  
 21 without eligibility for parole and may be fined not more than  
 22 \$40,000.00, or both.

23 Sec. 212a. (1) If a person violates this chapter and the  
 24 violation is committed in or is directed at a vulnerable target,  
 25 the person is guilty of a felony punishable by imprisonment for  
 26 not more than 20 years. The court may order a term of  
 27 imprisonment imposed under this section to be served

1 consecutively to the term of imprisonment for the underlying  
2 violation.

3 (2) As used in this section, ~~—~~

4 ~~(a) "Serious impairment of a body function" means that term~~  
5 ~~as defined in section 58c of the Michigan vehicle code, 1949 PA~~  
6 ~~300, MCL 257.58c.~~

7 ~~——~~ (b) ~~"Vulnerable"~~ **"vulnerable** target" means any of the  
8 following:

9 (a) ~~(i)~~ A child care center or day care center as defined  
10 in section 1 of 1973 PA 116, MCL 722.111.

11 (b) ~~(ii)~~ A health care facility or agency as defined in  
12 section 20106 of the public health code, 1978 PA 368, MCL  
13 333.20106.

14 (c) ~~(iii)~~ A building or structure open to the general  
15 public.

16 (d) ~~(iv)~~ A church, synagogue, mosque, or other place of  
17 religious worship.

18 (e) ~~(v)~~ A public, private, denominational, or parochial  
19 school offering developmental kindergarten, kindergarten, or any  
20 grade 1 through 12.

21 (f) ~~(vi)~~ An institution of higher education.

22 (g) ~~(vii)~~ A stadium.

23 (h) ~~(viii)~~ A transportation structure or facility open to  
24 the public, including, but not limited to, a bridge, a tunnel, a  
25 public highway, or a railroad.

26 (i) ~~(ix)~~ An airport. As used in this ~~subparagraph~~  
27 **subdivision**, "airport" means that term as defined in section 2

1 ~~or section 9~~ of the aeronautics code of the state of Michigan,  
2 1945 PA 327, MCL 259.2. ~~and 259.9.~~

3 (j) ~~(x)~~ Port facilities. As used in this ~~subparagraph~~  
4 **subdivision**, "port facilities" means that term as defined in  
5 section 2 of the Hertel-Law-T. Stopczynski port authority act,  
6 1978 PA 639, MCL 120.102.

7 (k) ~~(xi)~~ A public services facility. As used in this  
8 ~~subparagraph~~ **subdivision**, "public services facility" means any  
9 of the following facilities whether publicly or privately owned:

10 (i) ~~(A)~~ A natural gas refinery, natural gas storage  
11 facility, or natural gas pipeline.

12 (ii) ~~(B)~~ An electric, steam, gas, telephone, power, water,  
13 or pipeline facility.

14 (iii) ~~(C)~~ A nuclear power plant, nuclear reactor facility,  
15 or nuclear waste storage facility.

16 (l) ~~(xii)~~ A petroleum refinery, petroleum storage facility,  
17 or petroleum pipeline.

18 (m) ~~(xiii)~~ A vehicle, locomotive or railroad car, aircraft,  
19 or watercraft used to provide transportation services to the  
20 public or to provide for the movement of goods in commerce.

21 (n) ~~(xiv)~~ A building, structure, or other facility owned or  
22 operated by the federal government, by this state, or by a  
23 political subdivision or any other instrumentality of this state  
24 or of a local unit of government.

25 (3) This section does not prohibit an individual from being  
26 charged with, convicted of, or punished for any other violation  
27 of law committed by that individual while violating this

1 section.

2       Enacting section 1. This amendatory act does not take  
3 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4513  
4 (request no. 03331'03) of the 92nd Legislature is enacted into  
5 law.