



# HOUSE BILL No. 5138

October 18, 2017, Introduced by Rep. Johnson and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled  
 "The code of criminal procedure,"  
 by amending section 16k of chapter XVII (MCL 777.16k), as amended  
 by 2004 PA 524.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### 1 CHAPTER XVII

2 Sec. 16k. This chapter applies to the following felonies  
 3 enumerated in chapter 750 of the Michigan Compiled Laws:

| 4 | M.C.L.         | Category | Class | Description                                       | Stat Max |
|---|----------------|----------|-------|---------------------------------------------------|----------|
| 5 | 750.200        | Pub saf  | E     | Transporting an<br>explosive by common<br>carrier | 5        |
| 6 | 750.200i(2)(a) | Pub saf  | C     | Manufacturing or<br>using a harmful<br>device     | 15       |
| 7 | 750.200i(2)(b) | Property | B     | Harmful device<br>causing property<br>damage      | 20       |

|           |                  |          |   |                                                                             |      |
|-----------|------------------|----------|---|-----------------------------------------------------------------------------|------|
| <b>1</b>  | 750.200i (2) (c) | Person   | A | Harmful device causing personal injury                                      | 25   |
| <b>2</b>  | 750.200i (2) (d) | Person   | A | Harmful device causing serious impairment                                   | Life |
| <b>3</b>  | 750.200j (2) (a) | Person   | E | Irritant or irritant device                                                 | 5    |
| <b>4</b>  | 750.200j (2) (b) | Property | E | Irritant or irritant device causing property damage                         | 7    |
| <b>5</b>  | 750.200j (2) (c) | Person   | D | Irritant or irritant device causing personal injury                         | 10   |
| <b>6</b>  | 750.200j (2) (d) | Person   | A | Irritant or irritant device causing serious impairment                      | 25   |
| <b>7</b>  | 750.200j (2) (e) | Person   | A | Irritant or irritant device causing death                                   | Life |
| <b>8</b>  | 750.200 (l)      | Person   | E | Falsely exposing person to harmful substance or device                      | 5    |
| <b>9</b>  | 750.201          | Pub saf  | E | Transporting certain types of explosives                                    | 5    |
| <b>10</b> | 750.202          | Pub saf  | F | Shipping an explosive with false markings or invoice                        | 4    |
| <b>11</b> | 750.204 (2) (a)  | Pub saf  | C | Sending an explosive with malicious intent                                  | 15   |
| <b>12</b> | 750.204 (2) (b)  | Property | B | Sending an explosive causing property damage                                | 20   |
| <b>13</b> | 750.204 (2) (c)  | Person   | A | Sending an explosive causing physical injury                                | 25   |
| <b>14</b> | 750.204 (2) (d)  | Person   | A | Sending an explosive causing serious impairment                             | Life |
| <b>15</b> | 750.204a         | Pub saf  | E | Sending or transporting an imitation explosive device with malicious intent | 5    |

|           |                 |                |          |                                                                                                                                                   |          |
|-----------|-----------------|----------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>1</b>  | <b>750.204B</b> | <b>PUB SAF</b> | <b>G</b> | <b>IMPORTING,<br/>MANUFACTURING,<br/>DISTRIBUTING, OR<br/>STORING EXPLOSIVES IN<br/>VIOLATION OF CERTAIN<br/>FEDERAL LAWS AND<br/>REGULATIONS</b> | <b>2</b> |
| <b>2</b>  | 750.207(2)(a)   | Pub saf        | C        | Placing an explosive<br>with malicious intent                                                                                                     | 15       |
| <b>3</b>  | 750.207(2)(b)   | Property       | B        | Placing an explosive<br>causing property<br>damage                                                                                                | 20       |
| <b>4</b>  | 750.207(2)(c)   | Person         | A        | Placing an explosive<br>causing physical<br>injury                                                                                                | 25       |
| <b>5</b>  | 750.207(2)(d)   | Person         | A        | Placing an explosive<br>causing serious<br>impairment                                                                                             | Life     |
| <b>6</b>  | 750.209(1)(a)   | Pub saf        | C        | Placing an offensive<br>or injurious<br>substance with intent<br>to injure                                                                        | 15       |
| <b>7</b>  | 750.209(1)(b)   | Property       | B        | Placing an offensive<br>or injurious<br>substance causing<br>property damage                                                                      | 20       |
| <b>8</b>  | 750.209(1)(c)   | Person         | A        | Placing an offensive<br>or injurious<br>substance causing<br>physical injury                                                                      | 25       |
| <b>9</b>  | 750.209(1)(d)   | Person         | A        | Placing an offensive<br>or injurious<br>substance causing<br>serious impairment                                                                   | Life     |
| <b>10</b> | 750.209(2)      | Pub saf        | E        | Placing an offensive<br>or injurious<br>substance with intent<br>to alarm or annoy                                                                | 5        |
| <b>11</b> | 750.209a        | Pub saf        | D        | Possessing an<br>explosive device in<br>public place                                                                                              | 10       |
| <b>12</b> | 750.210(2)(a)   | Pub saf        | C        | Possessing or<br>carrying an explosive<br>or combustible<br>substance with<br>malicious intent                                                    | 15       |

|          |                  |          |   |                                                                                                                                                   |      |
|----------|------------------|----------|---|---------------------------------------------------------------------------------------------------------------------------------------------------|------|
| <b>1</b> | 750.210 (2) (b)  | Property | B | Possessing or carrying an explosive or combustible substance causing property damage                                                              | 20   |
| <b>2</b> | 750.210 (2) (c)  | Person   | A | Possessing or carrying an explosive or combustible substance causing physical injury                                                              | 25   |
| <b>3</b> | 750.210 (2) (d)  | Person   | A | Possessing or carrying an explosive or combustible substance causing serious impairment                                                           | Life |
| <b>4</b> | 750.210a         | Pub saf  | H | Sale of valerium                                                                                                                                  | 5    |
| <b>5</b> | 750.211a (2) (a) | Pub saf  | F | Manufacturing or possessing a Molotov cocktail or similar device designed to explode upon impact or by heat or flame or that is highly incendiary | 4    |
| <b>6</b> | 750.211a (2) (b) | Pub saf  | C | Manufacturing or possessing an explosive or incendiary device with malicious intent                                                               | 15   |
| <b>7</b> | 750.211a (2) (c) | Property | B | Manufacturing or possessing an explosive or incendiary device causing property damage                                                             | 20   |
| <b>8</b> | 750.211a (2) (d) | Person   | A | Manufacturing or possessing an explosive or incendiary device causing physical injury                                                             | 25   |
| <b>9</b> | 750.211a (2) (e) | Person   | A | Manufacturing or possessing an explosive or incendiary device causing serious impairment                                                          | Life |

|   |          |        |   |                                                                                                              |    |
|---|----------|--------|---|--------------------------------------------------------------------------------------------------------------|----|
| 1 | 750.212a | Person | B | Explosives violation<br>involving a<br>vulnerable target<br><del>causing death or</del><br><del>injury</del> | 20 |
|---|----------|--------|---|--------------------------------------------------------------------------------------------------------------|----|

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

4           Enacting section 2. This amendatory act does not take effect  
5 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5137 (request no.  
6 03107'17) of the 99th Legislature is enacted into law.