

REPRINT

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4289

(As Passed the Senate March 17, 1998)

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 200, 201, 204, and 211a (MCL 750.200,  
750.201, 750.204, and 750.211a) and by adding section 209a.

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

1       Sec. 200. (1) ~~Transportation of dynamite, etc., on common~~  
2 ~~carriers for passengers--Any~~ A person ~~who~~ shall NOT transport,  
3 carry, or convey ~~any~~ dynamite, gunpowder, or ANY other explo-  
4 sive between any places within ~~the~~ THIS state ~~of Michigan~~ on  
5 any vessel, car, or vehicle of any description ~~—~~ THAT IS oper-  
6 ated by a common carrier ~~—, which vessel, car or vehicle~~ AND  
7 THAT is carrying passengers for hire. ~~—, shall be~~ A PERSON WHO  
8 VIOLATES THIS SECTION IS guilty of a felony ~~—: Provided, That it~~  
9 ~~shall be lawful to transport on any such vessel, car or vehicle~~

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1 ~~small~~ PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A  
2 FINE OF NOT MORE THAN \$3,000.00, OR BOTH.

3 (2) THIS SECTION DOES NOT PROHIBIT THE TRANSPORTATION OF ANY  
4 OF THE FOLLOWING:

5 (A) SMALL arms ammunition in any quantity. ~~, and such~~  
6 ~~fuses~~

7 (B) FUSES, torpedoes, rockets, or other signal devices ~~as~~  
8 ~~may be~~ essential to promote safety in operation. ~~, and~~  
9 ~~properly~~

10 (C) PROPERLY packed and marked samples for laboratory exami-  
11 nation ~~, THAT DO not exceeding~~ EXCEED a net weight of 1/2  
12 pound each ~~, and THAT DO not exceeding~~ EXCEED 20 samples at  
13 ~~one~~ 1 time in a single vessel, car, or vehicle ~~; but such~~ IF  
14 THE samples ~~shall~~ ARE not ~~be~~ carried in that part of a  
15 vessel, car, or vehicle ~~which~~ THAT is intended for ~~the trans-~~  
16 ~~portation of~~ TRANSPORTING passengers for hire. ~~:- Provided fur-~~  
17 ~~ther, That nothing in this section shall be construed to prevent~~

18 (3) THIS SECTION DOES NOT PROHIBIT the transportation of  
19 military or naval forces with their accompanying munitions of war  
20 on passenger equipment vessels, cars, or vehicles. ~~:- Provided~~  
21 ~~further, That this~~

22 (4) THIS section ~~shall~~ DOES not ~~be construed to~~ apply to  
23 the transportation of benzine, naphtha, gasoline, or kerosene.

24 Sec. 201. (1) ~~Transportation, etc., of explosives which~~  
25 ~~explode by concussion or friction--No~~ A person shall NOT order,  
26 send, take, transport, convey, or carry ~~, or attempt to order,~~  
27 send, take, transport, convey, or carry dynamite,

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1 ~~nitro-glycerine~~ NITROGLYCERINE, fulminate in bulk in dry  
2 condition, or any other explosive substance ~~which~~ THAT explodes  
3 by concussion or friction, THAT IS concealed ~~in any bag, satch-~~  
4 ~~el, valise, trunk, box or in any other manner whatever, either~~  
5 as freight or baggage, on ~~any~~ A passenger boat or vessel, ~~or~~  
6 ~~any~~ A railroad car or train of cars, A street car, motor bus,  
7 stage, or other vehicle used wholly or partly for carrying pas-  
8 sengers or articles of commerce by land or water.

9 (2) ~~Any~~ A person who violates ~~any of the provisions of~~  
10 this section and any consignee to whom ~~any such~~ THE dynamite,  
11 ~~nitro-glycerine~~ NITROGLYCERINE, fulminate in bulk in dry  
12 condition, or other explosive substance has been consigned by  
13 ~~his~~ procurement in violation of ~~any of the provisions of~~ this  
14 section ~~, shall be~~ IS guilty of a felony PUNISHABLE BY IMPRIS-  
15 ONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN  
16 \$3,000.00, OR BOTH.

17 (3) ~~The offense shall be deemed to be committed~~ A VIOLA-  
18 TION OF THIS SECTION MAY BE PROSECUTED in any county through  
19 which ~~such~~ THE person procures or attempts to procure the  
20 transportation of ~~such~~ THE dynamite, ~~nitro-glycerine~~  
21 NITROGLYCERINE, fulminate in bulk in dry condition, or other  
22 explosive substance.

23 Sec. 204. (1) ~~Sending explosives with intent to injure~~  
24 ~~persons--Any person who shall unlawfully and maliciously~~ A  
25 PERSON SHALL NOT send or deliver to ~~,~~ ANOTHER PERSON or cause  
26 to be taken or received by any person ~~,~~ any kind of explosive  
27 substance or any other ~~noxious or~~ dangerous thing ~~,~~ with

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1 ~~intent in so doing to burn, maim, disfigure or disable any~~  
2 ~~person, or do bodily harm to any person, and every person privy~~  
3 ~~to such intent, who shall aid in the commission of such offense,~~  
4 ~~when death shall not result, shall be~~ WITH THE INTENT TO FRIGHT-  
5 EN, TERRORIZE, INTIMIDATE, THREATEN, HARASS, INJURE, OR KILL ANY  
6 PERSON, OR WITH THE INTENT TO DAMAGE OR DESTROY ANY REAL OR PER-  
7 SONAL PROPERTY WITHOUT THE PERMISSION OF THE PROPERTY OWNER OR,  
8 IF THE PROPERTY IS PUBLIC PROPERTY, WITHOUT THE PERMISSION OF THE  
9 GOVERNMENTAL AGENCY HAVING AUTHORITY OVER THAT PROPERTY.

10 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME  
11 AS FOLLOWS:

12 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) TO (E),  
13 THE PERSON IS guilty of a felony — punishable by imprisonment  
14 ~~in the state prison~~ FOR not more than ~~5~~ 15 years OR A FINE OF  
15 NOT MORE THAN \$10,000.00, OR BOTH.

16 (B) IF THE VIOLATION DAMAGES THE PROPERTY OF ANOTHER PERSON,  
17 THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR  
18 NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$15,000.00, OR  
19 BOTH.

20 (C) IF THE VIOLATION CAUSES PHYSICAL INJURY TO ANOTHER INDI-  
21 VIDUAL, OTHER THAN SERIOUS IMPAIRMENT OF A BODY FUNCTION, THE  
22 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT  
23 MORE THAN 25 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR  
24 BOTH.

25 (D) IF THE VIOLATION CAUSES SERIOUS IMPAIRMENT OF A BODY  
26 FUNCTION TO ANOTHER INDIVIDUAL, THE PERSON IS GUILTY OF A FELONY  
27 PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS OR A

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1 FINE OF NOT MORE THAN \$25,000.00, OR BOTH. AS USED IN THIS  
2 SUBDIVISION, "SERIOUS IMPAIRMENT OF A BODY FUNCTION" INCLUDES,  
3 BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

- 4 (i) LOSS OF A LIMB OR USE OF A LIMB.  
5 (ii) LOSS OF A HAND, FOOT, FINGER, OR THUMB OR USE OF A  
6 HAND, FOOT, FINGER, OR THUMB.  
7 (iii) LOSS OF AN EYE OR EAR OR USE OF AN EYE OR EAR.  
8 (iv) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.  
9 (v) SERIOUS VISIBLE DISFIGUREMENT.  
10 (vi) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.  
11 (vii) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.  
12 (viii) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.  
13 (ix) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.  
14 (E) IF THE VIOLATION CAUSES THE DEATH OF ANOTHER INDIVIDUAL,  
15 THE PERSON IS GUILTY OF A FELONY AND SHALL BE IMPRISONED FOR LIFE  
16 WITHOUT ELIGIBILITY FOR PAROLE AND MAY BE FINED NOT MORE THAN  
17 \$40,000.00, OR BOTH.

18 SEC. 209A. A PERSON WHO, WITH THE INTENT TO TERRORIZE,  
19 FRIGHTEN, INTIMIDATE, THREATEN, HARASS, OR ANNOY ANY OTHER  
20 PERSON, POSSESSES AN EXPLOSIVE SUBSTANCE OR DEVICE IN A PUBLIC  
21 PLACE IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT  
22 MORE THAN 10 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR  
23 BOTH.

24 Sec. 211a. (1) ~~Any~~ A person ~~who~~ shall ~~make, construct~~  
25 NOT MANUFACTURE, BUY, SELL, FURNISH, or have in his OR HER pos-  
26 session any device ~~which~~ THAT is designed to explode or ~~which~~  
27 THAT will explode upon impact or with the application of heat or

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1 a flame, or ~~which device~~ THAT is highly incendiary, ~~with~~  
2 ~~intent to use the device unlawfully against the person or prop-~~  
3 ~~erty of another is guilty of a felony. For the purposes of pros-~~  
4 ~~ecution under this section, possession of such a device is prima~~  
5 ~~facie evidence of the possessor's intent to use the device unlaw-~~  
6 ~~fully against the person or property of another.~~ WITH THE INTENT  
7 TO FRIGHTEN, TERRORIZE, INTIMIDATE, THREATEN, HARASS, INJURE, OR  
8 KILL ANY PERSON, OR WITH THE INTENT TO DAMAGE OR DESTROY ANY REAL  
9 OR PERSONAL PROPERTY WITHOUT THE PERMISSION OF THE PROPERTY OWNER  
10 OR, IF THE PROPERTY IS PUBLIC PROPERTY, WITHOUT THE PERMISSION OF  
11 THE GOVERNMENTAL AGENCY HAVING AUTHORITY OVER THAT PROPERTY.

12 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A  
13 CRIME AS FOLLOWS:

14 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) TO (E), THE  
15 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT  
16 MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR  
17 BOTH.

18 (B) IF THE VIOLATION DAMAGES THE PROPERTY OF ANOTHER PERSON,  
19 THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR  
20 NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$15,000.00, OR  
21 BOTH.

22 (C) IF THE VIOLATION CAUSES PHYSICAL INJURY TO ANOTHER INDI-  
23 VIDUAL, OTHER THAN SERIOUS IMPAIRMENT OF A BODY FUNCTION, THE  
24 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT  
25 MORE THAN 25 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR  
26 BOTH.

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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 ANY TERM OF YEARS OR A  
4 FINE OF NOT MORE THAN \$25,000.00, OR BOTH. AS USED IN THIS SUB-  
5 DIVISION, "SERIOUS IMPAIRMENT OF A BODY FUNCTION" INCLUDES, BUT  
6 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  
9 HAND, 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.

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14 (vii) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

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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.

[Enacting section 1. This amendatory act takes effect October  
1, 1998.]

21 Enacting section [2]. This amendatory act does not take  
22 effect unless Senate Bill No. 97 of the 89th Legislature is  
23 enacted into law.