

HOUSE BILL No. 4289

February 11, 1997, Introduced by Reps. Schauer, Hale, Kaza, Hanley, McBryde, Brewer, Cherry, Goschka, Prusi, Scott and Frank and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 200, 201, 204, 204a, 205, 205a, 206, 207,
210, and 211 (MCL 750.200, 750.201, 750.204, 750.204a, 750.205,
750.205a, 750.206, 750.207, 750.210, and 750.211).

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~~

1 ~~small~~ PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
 2 FINE OF NOT MORE THAN \$2,000.00, 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,

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 person who violates ~~any of the provisions of~~ this
 10 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 4 YEARS OR A FINE OF NOT MORE THAN
 16 \$2,000.00, 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. ~~Sending explosives with intent to injure~~
 24 ~~persons--Any~~ IF A person ~~who shall~~ unlawfully and maliciously
 25 ~~send~~ SENDS or ~~deliver~~ DELIVERS to ~~,~~ ANOTHER PERSON or
 26 ~~cause~~ CAUSES to be taken or received by any person ~~,~~ any kind
 27 of explosive substance or any other noxious or dangerous thing

1 ~~with THE intent in so doing~~ to burn, maim, disfigure, or
2 disable any person ~~,~~ or TO do bodily harm to any person ~~,~~ and
3 every person privy to such intent, who shall aid in the commis-
4 sion of such offense, when death shall AND THE VIOLATION DOES
5 not result IN DEATH, ~~shall be~~ THE PERSON IS guilty of a felony
6 ~~,~~ punishable by imprisonment ~~in the state prison~~ FOR not more
7 than ~~5~~ 3 years.

8 Sec. 204a. (1) A person who, with the intent to terrorize,
9 frighten, intimidate, threaten, harass, molest, or annoy any
10 other person, sends or transports a device ~~which~~ THAT is ~~so~~
11 constructed ~~as~~ to represent AN EXPLOSIVE, INCENDIARY DEVICE, OR
12 BOMB, or THAT is presented as ~~,~~ an explosive, incendiary
13 device, or bomb, is guilty of a felony PUNISHABLE BY IMPRISONMENT
14 FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00,
15 OR BOTH.

16 (2) An offense is committed under this section if the device
17 is sent from THIS STATE or IS received in this state ~~,~~ and may
18 be prosecuted in the jurisdiction from ~~where~~ WHICH it was sent
19 or IN WHICH IT WAS received.

20 Sec. 205. ~~Placing explosives with intent to destroy but~~
21 ~~without resulting damage--Any~~ A person who places AN EXPLOSIVE
22 SUBSTANCE in ~~,~~ upon, under, against or near ~~to~~ any building,
23 car, vessel, or structure, ~~gunpowder or any other explosive~~
24 substance, with THE intent to DAMAGE OR destroy ~~,~~ throw down or
25 injure the whole or any part thereof, under such circumstances,
26 that, if the intent were accomplished, human life or safety would
27 be endangered thereby, although no damage is done, THAT

1 BUILDING, CAR, VESSEL, OR STRUCTURE, AND BY THE PLACEMENT OF THAT
2 EXPLOSIVE SUBSTANCE ENDANGERS THE SAFETY OF ANOTHER INDIVIDUAL is
3 guilty of a felony ~~—~~ punishable by imprisonment ~~in the state~~
4 ~~prison~~ FOR not more than 15 years.

5 Sec. 205a. A person who, ~~knowingly delivers or places a~~
6 ~~device~~ with the intent to terrorize, frighten, intimidate,
7 threaten, harass, molest, or annoy any other person, ~~when the~~
8 ~~device~~ KNOWINGLY DELIVERS OR PLACES A DEVICE THAT is ~~so~~ con-
9 structed ~~as~~ to represent AN EXPLOSIVE, INCENDIARY DEVICE, OR
10 BOMB, or THAT is presented as ~~—~~ an explosive, incendiary
11 device, or bomb, is guilty of a felony PUNISHABLE BY IMPRISONMENT
12 FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00,
13 OR BOTH.

14 Sec. 206. ~~Placing explosives with intent to destroy and~~
15 ~~causing damage to property--Any~~ A person who places AN EXPLOSIVE
16 SUBSTANCE in ~~—, upon, under, against~~ or near ~~to any~~ A build-
17 ing, car, vessel, or structure, ~~gunpowder or any other explosive~~
18 ~~substance,~~ with THE intent to DAMAGE OR destroy ~~—, throw down or~~
19 ~~injure the whole or any part thereof, which explosive substance~~
20 ~~shall cause the destruction or injury of~~ THAT BUILDING, CAR,
21 VESSEL, OR STRUCTURE, AND BY THE DETONATION OF THAT EXPLOSIVE
22 SUBSTANCE DAMAGES OR DESTROYS the property of another ~~—, shall~~
23 ~~be~~ PERSON IS guilty of a felony ~~—~~ punishable by imprisonment
24 ~~in the state prison~~ FOR not more than 25 years.

25 Sec. 207. ~~Placing explosives with intent to destroy and~~
26 ~~causing injury to any person--Any~~ A person who places AN
27 EXPLOSIVE SUBSTANCE in ~~—, upon, under, against~~ or near ~~to any~~

1 A building, car, vessel, or structure, ~~gunpowder or any other~~
 2 ~~explosive substance,~~ with THE intent to DAMAGE OR destroy ~~,~~
 3 ~~throw down, or injure the whole or any part thereof, which sub-~~
 4 ~~stance upon explosion shall cause injury to any~~ THAT BUILDING,
 5 CAR, VESSEL, OR STRUCTURE, AND BY THE DETONATION OF THAT EXPLO-
 6 SIVE SUBSTANCE INJURES ANOTHER person, ~~shall be~~ IS guilty of a
 7 felony ~~,~~ punishable by imprisonment ~~in the state prison~~ for
 8 life. ~~Such convicted~~ A person ~~shall~~ CONVICTED UNDER THIS
 9 SECTION IS not ~~be~~ eligible ~~to~~ FOR parole.

10 Sec. 210. ~~Possession of bombs with intent to use~~
 11 ~~unlawfully--Any~~ A person who carries or possesses a bomb or
 12 bombshell, ~~or~~ any article containing an explosive or combusti-
 13 ble substance, or A foul, offensive, or injurious substance or
 14 compound ~~,~~ with THE intent to use ~~the same unlawfully~~ THAT
 15 BOMB OR BOMBHELL, ARTICLE, SUBSTANCE, OR COMPOUND against the
 16 person or property of ~~other, shall be~~ ANOTHER IS guilty of a
 17 felony ~~,~~ ~~punishable~~ AND SHALL BE PUNISHED by imprisonment ~~in~~
 18 ~~the state prison~~ for not less than 2 ~~nor~~ YEARS OR more than
 19 ~~5~~ 10 years.

20 Sec. 211. ~~Manufacture, etc., of explosives with intent to~~
 21 ~~use unlawfully--Any~~ A person who ~~shall manufacture, buy, sell,~~
 22 ~~furnish~~ MANUFACTURES, BUYS, SELLS, OR FURNISHES or ~~cause~~
 23 CAUSES to be furnished, or ~~have~~ HAS in HIS OR HER possession
 24 ~~any nitro-glycerine~~ NITROGLYCERINE, dynamite, giant powder, or
 25 any other dangerous explosive material, with the intent to use
 26 ~~the same~~ IT unlawfully against the person or property of
 27 another, ~~shall be~~ IS guilty of a felony ~~,~~ ~~punishable~~ AND

1 SHALL BE PUNISHED by imprisonment ~~in the state prison~~ for not
2 less than 2 years ~~nor~~ OR more than ~~5~~ 10 years.