

Act No. 206
Public Acts of 1998
Approved by the Governor
July 1, 1998
Filed with the Secretary of State
July 1, 1998
EFFECTIVE DATE: October 1, 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

**Introduced by Reps. Schauer, Hale, Kaza, Hanley, McBryde, Brewer, Cherry, Goschka, Prusi, Scott and Frank
Reps. Anthony, Bogardus, DeHart, Kukuk, Leland, Schermesser, Scranton and Wojno named co-sponsors**

ENROLLED HOUSE BILL No. 4289

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," 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:

Sec. 200. (1) A person shall not transport, carry, or convey dynamite, gunpowder, or any other explosive between any places within this state on any vessel, car, or vehicle of any description that is operated by a common carrier and that is carrying passengers for hire. A person who violates this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$3,000.00, or both.

(2) This section does not prohibit the transportation of any of the following:

(a) Small arms ammunition in any quantity.

(b) Fuses, torpedoes, rockets, or other signal devices essential to promote safety in operation.

(c) Properly packed and marked samples for laboratory examination that do not exceed a net weight of 1/2 pound each and that do not exceed 20 samples at 1 time in a single vessel, car, or vehicle if the samples are not carried in that part of a vessel, car, or vehicle that is intended for transporting passengers for hire.

(3) This section does not prohibit the transportation of military or naval forces with their accompanying munitions of war on passenger equipment vessels, cars, or vehicles.

(4) This section does not apply to the transportation of benzene, naphtha, gasoline, or kerosene.

Sec. 201. (1) A person shall not order, send, take, transport, convey, or carry or attempt to order, send, take, transport, convey, or carry dynamite, nitroglycerine, fulminate in bulk in dry condition, or any other explosive substance that explodes by concussion or friction, that is concealed as freight or baggage, on a passenger boat or vessel, a railroad car or train of cars, a street car, motor bus, stage, or other vehicle used wholly or partly for carrying passengers or articles of commerce by land or water.

(2) A person who violates this section and any consignee to whom the dynamite, nitroglycerine, fulminate in bulk in dry condition, or other explosive substance has been consigned by procurement in violation of this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$3,000.00, or both.

(3) A violation of this section may be prosecuted in any county through which the person procures or attempts to procure the transportation of the dynamite, nitroglycerine, fulminate in bulk in dry condition, or other explosive substance.

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

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

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

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

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

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

(i) Loss of a limb or use of a limb.

(ii) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.

(iii) Loss of an eye or ear or use of an eye or ear.

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

(v) Serious visible disfigurement.

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

(vii) Measurable brain damage or mental impairment.

(viii) A skull fracture or other serious bone fracture.

(ix) Subdural hemorrhage or subdural hematoma.

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

Sec. 209a. A person who, with the intent to terrorize, frighten, intimidate, threaten, harass, or annoy any other person, possesses an explosive substance or device in a public place is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both.

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

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

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

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

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

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

(i) Loss of a limb or use of a limb.

(ii) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.

(iii) Loss of an eye or ear or use of an eye or ear.

- (iv) Loss or substantial impairment of a bodily function.
 - (v) Serious visible disfigurement.
 - (vi) A comatose state that lasts for more than 3 days.
 - (vii) Measurable brain damage or mental impairment.
 - (viii) A skull fracture or other serious bone fracture.
 - (ix) Subdural hemorrhage or subdural hematoma.
- (e) If the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than \$40,000.00, or both.

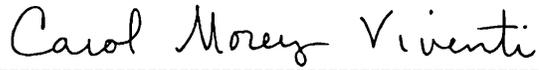
Enacting section 1. This amendatory act takes effect October 1, 1998.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.