
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4642 (Substitute H-2 as reported without amendment)
Sponsor: Representative Samuel Thomas III
House Committee: Constitutional Law and Ethics
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to prohibit the use of the Internet or a computer to teach or demonstrate the use of a firearm or explosive for use in a civil disorder; and to specify penalties for unlawfully teaching or demonstrating a firearm or explosive, or unlawfully assembling with others to practice or train with a firearm or explosive. The bill would take effect August 1, 1999.

The Code prohibits teaching or demonstrating the use, application, or construction of a firearm or an explosive knowing or intending that what is taught will be used in a civil disorder. The bill would prohibit this activity either in person or through the use of any media, including the Internet, a computer, computer program, computer network, or computer system.

The Code also prohibits assembling for the purpose of training with, practicing with, or being instructed in the use of a firearm or any explosive, with the intent to use a firearm or device in a civil disorder. Under the bill, a violation would be punishable by imprisonment for up to four years and/or a fine of up to \$2,500. If the firearm or device were used in the commission of a civil disorder, the offense would be punishable by imprisonment for up to 10 years and/or a maximum fine of \$5,000. If the firearm or device were used in the commission of a civil disorder and its use caused death or serious impairment of a body function to another individual, the offense would be punishable by imprisonment for up to 20 years and/or a maximum fine of \$5,000.

MCL 750.528a

Legislative Analyst: P. Affholter

FISCAL IMPACT

House Bill 4642 (H-2) would have an indeterminate fiscal impact on State government.

In 1997, no one was convicted of teaching or demonstrating how to build an explosive device. There are no data available to indicate how many more people would be convicted of teaching or demonstrating how to build a firearm or explosive device with the inclusion of media such as the Internet. The penalty for conviction under this section would result in a maximum sentence of four years in prison and/or a fine \$2,500.

In addition, there are no data to indicate how many offenders would be convicted of demonstrating, or assembling to demonstrate, how to build or use an explosive device or firearm that was used in the commission of a civil disorder. The maximum penalty for this crime would be 10 years and/or a fine of \$5,000, or 20 years and/or \$5,000 if the crime resulted in death or serious impairment of a body function.

Date Completed: 6-1-99

Fiscal Analyst: K. Firestone