

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4643 (Substitute H-1 as reported without amendment)

Sponsor: Representative Gary Woronchak

House Committee: Constitutional Law and Ethics

Senate Committee: Judiciary

CONTENT

The bill would amend Chapter 33 of the Michigan Penal Code (which governs explosives offenses) to establish increased penalties for the possession of an explosive in a public place with the intent to frighten or harass, and for an explosives offense directed at a vulnerable target. The bill would take effect on August 1, 1999.

Currently, it is a felony punishable by imprisonment for up to 10 years and/or a maximum fine of \$10,000 to possess an explosive substance or device in a public place with the intent to terrorize, frighten, intimidate, threaten, harass, or annoy any other person. Under the bill, the offense would be punishable by imprisonment for up to 15 years and/or a fine of up to \$10,000, except as follows: If the violation damaged the property of another person, it would be punishable by imprisonment for up to 20 years and/or a maximum fine of \$15,000; if the violation caused physical injury to another individual, other than serious impairment of a body function, it would be punishable by imprisonment for up to 25 years and/or a fine of up to \$20,000; if the violation caused serious impairment of a body function to another individual, it would be punishable by imprisonment for life or for any term of years and/or a fine of up to \$25,000; and if the violation caused the death of another individual, the offender would have to be imprisoned for life without eligibility of parole and could be fined up to \$40,000, or both.

Currently, if a violation of Chapter 33 is committed in or is directed at a vulnerable target, and the violation results in the serious impairment of a body function or death of another individual, the offense is a felony punishable by imprisonment for up to 20 years. The bill provides, instead, that if a violation of Chapter 33 were committed in or directed at a vulnerable target, it would be punishable by imprisonment for life or any term of years. If the violation resulted in the death or serious impairment of a body function of another individual, the offender would have to be imprisoned for life without parole eligibility. ("Vulnerable target" means a child care center or day care center; a health care facility or agency; a building or structure open to the general public; a church, synagogue, mosque, or other place of religious worship; a school offering developmental kindergarten, kindergarten, or any grade 1 through 12; or an institution of higher education.)

MCL 750.209a & 750.212a

Legislative Analyst: P. Affholter

FISCAL IMPACT

House Bill 4643 (H-1) would have an indeterminate fiscal impact on State government. There are no data available to indicate how many offenders have been convicted of possessing an explosive devise in a public place to terrorize, frighten, intimidate, threaten, harass, or annoy since the law was enacted in 1998. For violation of this section, the bill would increase the maximum sentence from 10 years to 15 years, and provide graduated penalties up to life imprisonment without parole based on the target and the damage.

Date Completed: 6-1-99

Fiscal Analyst: K. Firestone