

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4643 (Substitute H-1 as passed by the House)
Sponsor: Representative Gary Woronchak
House Committee: Constitutional Law and Ethics
Senate Committee: Judiciary

Date Completed: 5-26-99

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.

Possession of Explosive

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 a felony 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.
- 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.

"Serious impairment of a body function" would include, but not be limited to, one or more of the following:

- Loss of a limb or use of a limb.
- Loss of a hand, foot, finger, or thumb, or use of a hand, foot, finger, or thumb.
- Loss of an eye or ear or use of an eye or ear.
- Loss or substantial impairment of a bodily function.
- Serious visible disfigurement.
- A comatose state lasting more than three days.
- Measurable brain damage or mental impairment.
- A skull fracture or other serious bone fracture.
- Subdural hemorrhage or subdural hematoma.

Vulnerable Target

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, the offense would be a felony 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.

The Code defines “vulnerable target” as any of the following:

- A child care center or day care center, as defined in the child care licensing Act.
- A health care facility or agency, as defined in the Public Health Code.
- A building or structure open to the general public.
- A church, synagogue, mosque, or other place of religious worship.
- A public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade 1 through 12.
- An institution of higher education.

MCL 750.209a & 750.212a

Legislative Analyst: S. Lowe

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 device 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 of the damage.

Fiscal Analyst: K. Firestone