

SUBSTITUTE FOR  
HOUSE BILL NO. 4643

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 209a and 212a (MCL 750.209a and 750.212a),  
section 209a as added by 1998 PA 206 and section 212a as added by  
1998 PA 207.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7       (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) TO (E),  
8 THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR

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1 NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR  
2 BOTH.

3 (B) IF THE VIOLATION DAMAGES THE PROPERTY OF ANOTHER PERSON,  
4 THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR  
5 NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$15,000.00, OR  
6 BOTH.

7 (C) IF THE VIOLATION CAUSES PHYSICAL INJURY TO ANOTHER INDI-  
8 VIDUAL, OTHER THAN SERIOUS IMPAIRMENT OF A BODY FUNCTION, THE  
9 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT  
10 MORE THAN 25 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR  
11 BOTH.

12 (D) IF THE VIOLATION CAUSES SERIOUS IMPAIRMENT OF A BODY  
13 FUNCTION TO ANOTHER INDIVIDUAL, THE PERSON IS GUILTY OF A FELONY  
14 PUNISHABLE BY IMPRISONMENT FOR LIFE OR FOR ANY TERM OF YEARS OR A  
15 FINE OF NOT MORE THAN \$25,000.00, OR BOTH. AS USED IN THIS SUB-  
16 DIVISION, "SERIOUS IMPAIRMENT OF A BODY FUNCTION" INCLUDES, BUT  
17 IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

18 (i) LOSS OF A LIMB OR USE OF A LIMB.

19 (ii) LOSS OF A HAND, FOOT, FINGER, OR THUMB OR USE OF A  
20 HAND, FOOT, FINGER, OR THUMB.

21 (iii) LOSS OF AN EYE OR EAR OR USE OF AN EYE OR EAR.

22 (iv) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

23 (v) SERIOUS VISIBLE DISFIGUREMENT.

24 (vi) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

25 (vii) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

26 (viii) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

1       (ix) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.

2       (E) IF THE VIOLATION CAUSES THE DEATH OF ANOTHER INDIVIDUAL,  
3 THE PERSON IS GUILTY OF A FELONY AND SHALL BE IMPRISONED FOR LIFE  
4 WITHOUT ELIGIBILITY FOR PAROLE AND MAY BE FINED NOT MORE THAN  
5 \$40,000.00, OR BOTH.

6       Sec. 212a. (1) If a person violates this chapter ~~—~~ AND  
7 the violation is committed in or is directed at a vulnerable  
8 target, ~~and the violation results in the death of another indi-~~  
9 ~~vidual or results in serious impairment of a body function of~~  
10 ~~another individual,~~ the person is guilty of a ~~felony punishable~~  
11 ~~by imprisonment for not more than 20 years.~~ CRIME AS FOLLOWS:

12       (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PERSON IS  
13 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY  
14 TERM OF YEARS.

15       (B) IF THE VIOLATION RESULTS IN THE DEATH OF ANOTHER INDI-  
16 VIDUAL OR RESULTS IN SERIOUS IMPAIRMENT OF A BODY FUNCTION OF  
17 ANOTHER INDIVIDUAL, THE PERSON IS GUILTY OF A FELONY AND SHALL BE  
18 IMPRISONED FOR LIFE WITHOUT PAROLE ELIGIBILITY.

19       (2) A term of imprisonment imposed under this section shall  
20 be served concurrently to the term of imprisonment for the under-  
21 lying violation.

22       (3) ~~—(2)—~~ As used in this section:

23       (a) "Serious impairment of a body function" means that term  
24 as defined in section 625 of the Michigan vehicle code, 1949 PA  
25 300, MCL 257.625.

26       (b) "Vulnerable target" means any of the following:

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1       (i) A child care center or day care center as defined in  
2 section 1 of 1973 PA 116, MCL 722.111.

3       (ii) A health care facility or agency as defined in section  
4 20106 of the public health code, 1978 PA 368, MCL 333.20106.

5       (iii) A building or structure open to the general public.

6       (iv) A church, synagogue, mosque, or other place of reli-  
7 gious worship.

8       (v) A public, private, denominational, or parochial school  
9 offering developmental kindergarten, kindergarten, or any grade 1  
10 through 12.

11       (vi) An institution of higher education.

12       Enacting section 1. This amendatory act takes effect August  
13 1, 1999.