

**REVISE PROVISIONS RE: BOMBS
AND EXPLOSIVES**

House Bill 5506

Sponsor: Rep. Clarence E. Phillips

House Bill 5511

Sponsor: Rep. Laura M. Toy

Committee: Criminal Justice

Complete to 1-14-02

A SUMMARY OF HOUSE BILLS 5506 AND 5511 AS INTRODUCED 12-12-01

The bills would amend Chapter 33 of the Michigan Penal Code, which deals with bombs and explosives, to make it a crime to possess a fake bomb and to add to the list of public buildings or places designated as vulnerable targets, respectively. Specifically, the bills would do the following:

House Bill 5506. Currently, under Section 204a of the penal code, a person who delivers, sends, transports, or places a device made to look like “an explosive, incendiary device, or bomb,” and who does so “with the intent to terrorize, frighten, intimidate, threaten, harass, or annoy any other person,” is guilty of a felony punishable by imprisonment for not more than five years or a fine of not more than \$3,000, or both. House Bill 5506 would amend the code (MCL 750.204a) to also make possession of such devices a felony offense. In addition, the bill would require a court to impose costs on a person who violated this prohibition to reimburse any governmental agency for its expenses incurred as a result of the violation as provided under the Code of Criminal Procedure (MCL 769.1f). (The Code of Criminal Procedure allows a court to require the defendant, as part of the sentence for a conviction of certain offenses, to reimburse the state or a local unit of government for expenses incurred in relation to the incident including, but not limited to, expenses for an emergency response and expenses for prosecuting the crime.)

House Bill 5511. The penal code makes it a crime to manufacture, deliver, possess, transport, place, use, or release a variety of explosive materials; biological, chemical, or radioactive devices; and chemical irritants or devices, smoke devices, or an imitation harmful substance or device. However, if the violation is committed in or directed at a “vulnerable target” (child or day care center; health care facility or agency; building or structure open to the general public; place of religious worship; public or private school offering any grades K-12; or institution of higher learning) and the violation results in serious impairment of a body function of another individual, the violator is guilty of a separate felony punishable by imprisonment for up to twenty years. This term of imprisonment is served concurrently to the term of imprisonment for the underlying violation.

House Bill 5511 would amend the code (MCL 750.212a) to add the following to the list of “vulnerable targets”:

- A stadium;
- a public transportation structure or facility, including, but not limited to, a bridge, a tunnel, a public highway, or a railroad;
- an airport [as defined in the Aeronautics Code of the State of Michigan (MCL 259.9)];
- port facilities [as defined in the Hertel-Law-T. Stopczynski Port Authority Act (MCL 120.102)]; and,
- a public services provider (defined as a natural gas company subject to the jurisdiction of the federal Energy Regulatory Commission; an electric, stream, gas, telephone, power, water, or pipeline company; or a petroleum refinery, storage facility, or pipeline.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.