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Senate Bill 940 (Substitute S-1 as reported)
Sponsor: Senator Walter H. North
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to expand the definition of "vulnerable target" in Chapter 33 (Explosives, Bombs, and Harmful Devices). Under the Code, if a violation of Chapter 33 is committed in or is directed at a vulnerable target, and the violation results in either the death of an individual or serious impairment of a body function, the person committing the violation is guilty of a felony punishable by up to 20 years' imprisonment. Currently, "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 place of religious worship; a school offering kindergarten or any grade 1 through 12; or an institution of higher education.

The bill would add to that definition a stadium; a public transportation structure or facility open to the public, including a bridge, tunnel, public highway, or railroad; an airport; and port facilities, as defined in the Port Authority Act.

The bill is tie-barred to House Bill 5511, which would add to the definition of "vulnerable target" a public services provider, which would mean a natural gas company subject to the jurisdiction of the Federal Energy Regulatory Commission or an electric, steam, gas, telephone, power, water, or pipeline company; a petroleum refinery, storage facility, or pipeline; and a publicly owned building.

MCL 750.212a

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate effect on State and local governments.

According to the Department of Corrections Statistical Report, during the last five years for which data are available (1995-1999), there have been no offenders convicted of an explosives violation committed in or directed at a vulnerable target resulting in the death or serious impairment of a body function of an individual. To the extent that it would expand the definition of a vulnerable target, the bill could potentially increase the number of people convicted of this offense.

An offender convicted of an explosives offense against a vulnerable target is guilty of a felony punishable by imprisonment for not more than 20 years, which must be served concurrently to the sentence for the underlying offense. The bill would create additional costs only if offenders receive longer sentences for this offense than for their underlying offenses. If one additional offender were convicted of this violation as the result of the bill, it would cost the State \$25,000, the average annual cost of incarceration, per year for each additional year the offender was sentenced above the sentence for the underlying offense.

Date Completed: 2-1-02

Fiscal Analyst: B. Wicksall