
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 940 (as introduced 12-11-01)
Sponsor: Senator Walter H. North
Committee: Judiciary

Date Completed: 1-28-02

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. A term of imprisonment imposed under this provision must be served concurrently to the term of imprisonment for the underlying violation.

Currently, "vulnerable target" means any of the following:

- 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 public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade 1 through 12.
- An institution of higher education.

The bill would add to that definition all of the following:

- A stadium.
- A public transportation structure or facility, including a bridge, tunnel, public highway, or railroad.
- An airport, as defined in the Aeronautics Code (i.e., any location, either on land or water, that is used for the landing or take-off of aircraft, including the buildings and facilities, if any, on that location).
- 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.
- Port facilities, as defined in the Port Authority Act.

(Under the Port Authority Act, port facilities are those facilities owned by the port authority, such as seawall jetties; piers; wharves; docks; boat landings; marinas; warehouses; storehouses; elevators; grain bins; cold storage plants; terminal icing plants; bunkers; oil tanks; ferries; canals; locks; bridges; tunnels; seaways; conveyers; modern appliances for the economical handling, storage, and transportation of freight and handling of passenger traffic; transfer and terminal facilities required for the efficient operation and development of ports and

harbors; other harbor improvements; or improvements, enlargements, remodeling, or extensions of any of the buildings or structures.)

MCL 750.212a

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 940 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.

Fiscal Analyst: B. Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.