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

SFA**BILL ANALYSIS**

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

House Bill 5506 (Substitute H-1 as passed by the House)
House Bill 5511 (Substitute H-2 as passed by the House)
Sponsor: Representative Clarence E. Phillips (House Bill 5506)
Representative Laura M. Toy (House Bill 5511)
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 2-19-02

CONTENT

The bills would amend Chapter 33 (Explosives, Bombs, and Harmful Devices) of the Michigan Penal Code to prohibit possession of a device constructed to represent an explosive, incendiary, or bomb, and to expand the definition of "vulnerable target".

House Bill 5506 (H-1)

Under Chapter 33, it is a felony punishable by up to five years' imprisonment and/or a maximum fine of \$3,000 if a person, with the intent to terrorize, frighten, intimidate, threaten, harass, or annoy another person, delivers, sends, transports, or places a device that is constructed to represent an explosive, incendiary device, or bomb or that is presented as such. The bill would include in that offense possessing a device that was constructed to represent an explosive, incendiary device, or bomb or that was presented as an explosive, incendiary device, or bomb.

The bill would take effect on May 1, 2002.

House Bill 5511 (H-2)

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 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 transportation structure or facility open to the public, 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 facility (i.e., any of the following facilities, whether publicly or privately owned: a natural gas pipeline, refinery, or storage facility; an electric, steam, gas, telephone, power, water, or pipeline facility; or a nuclear power plant).
- A petroleum refinery, storage facility, or pipeline.
- A publicly owned or controlled building open to the public.
- A vehicle, locomotive or railroad car, aircraft, or watercraft use to provide transportation services to the public or to provide for the movement of goods in commerce.
- 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 750.204a (H.B. 5506)
750.212a (H.B. 5511)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bill 5506 (H-1)

To the extent that the bill would increase the number of convicted offenders by including the possession of a device representing an explosive, it could result in increased costs to State government. An offender would receive probation or incarceration for up to five years and/or a fine of up to \$3,000. The State would incur the cost of felony probation, estimated to be \$4.38 per day, and incarceration at an annual cost of \$25,000. If one offender were convicted and received the longest minimum sentence, it would cost the State \$83,300.

House Bill 5511 (H-2)

To the extent that the bill could increase the number of offenders convicted of committing a crime in or directed at a vulnerable target by adding to the definition of "vulnerable target", it would increase costs to State government. An offender would receive up to 20 years' imprisonment in a State facility. The State would incur the costs at an annual average of \$25,000.

Fiscal Analyst: Bethany Wicksall

S0102\s5506sa

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.