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House Bill 5511 (Substitute S-2 as reported by the Committee of the Whole)  
Sponsor: Representative Laura M. Toy  
House Committee: Criminal Justice  
Senate Committee: Judiciary

## **CONTENT**

The bill would amend Chapter 33 (Explosives, Bombs, and Harmful Devices) of the Michigan Penal Code to expand the definition of "vulnerable target", expand the conditions under which the enhanced penalty for bombing a vulnerable target apply, and allow consecutive sentencing. The bill would take effect on May 1, 2002.

Under the Code, a violation of Chapter 33 committed in or directed at a vulnerable target that results in death or serious impairment of a body function is a felony punishable by up to 20 years' imprisonment. Under the bill, that penalty would apply to any violation of Chapter 33 committed in or directed at a vulnerable target. The bill also would allow the sentencing court to order imprisonment to be served consecutively to the term for the underlying violation; currently, concurrent sentencing is required.

Chapter 33 defines "vulnerable target" as a child care center or day care center; a health care facility or agency; a building or structure open to the general public; place of religious worship; a school offering kindergarten or any grade 1 through 12; or an institution of higher education. The bill would add a stadium; a transportation structure or facility open to the public; an airport; a public services facility (i.e., a natural gas pipeline, refinery, or storage facility; an electric, steam, gas, telephone, power, water, or pipeline facility; or a nuclear power plant, nuclear reactor facility, or nuclear waste storage facility); a petroleum refinery, storage facility, or pipeline; a vehicle, locomotive or railroad car, aircraft, or watercraft used to provide transportation service to the public or to provide for the movement of goods in commerce; a building, structure, or other facility owned or operated by the Federal government, by the State, or by a political subdivision or any other instrumentality of the State or of a local unit of government; and port facilities, as defined in the Port Authority Act.

MCL 750.212a

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

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. The bill also could increase State costs by allowing the sentences to be served consecutively rather than concurrently. 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.

Date Completed: 3-5-02

Fiscal Analyst: Bethany Wicksall