

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5507

(As passed the House, February 7, 2002)

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 436 (MCL 750.436), as amended by 1988 PA 87.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 436. (1) A person ~~who willfully mingles~~ SHALL NOT DO
2 EITHER OF THE FOLLOWING:
3 (A) WILLFULLY MINGLE a poison or harmful substance with a
4 food, drink, nonprescription medicine, or pharmaceutical product,
5 or ~~who willfully places~~ PLACE a poison or harmful substance
6 in a spring, well, reservoir, or public water supply, ~~and who~~
7 ~~knows or should~~ KNOWING OR HAVING REASON TO know that the food,
8 drink, nonprescription medicine, pharmaceutical product, or water
9 may be ingested or used by a person to his or her injury. ~~, is~~
10 ~~guilty of a felony, punishable by imprisonment for not more than~~
11 ~~5 years, except as otherwise provided in subsection (2).~~

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~~(2) If the violation of subsection (1) involves an amount of a poison or harmful substance that may cause death if a person ingests or uses the food, drink, nonprescription medicine, pharmaceutical product, or water, or if the violation of subsection (1) results in the infliction of great bodily injury on a person, the person who violates subsection (1) shall be punished by imprisonment for life or any term of years.~~

~~(3) A person who maliciously informs~~

(B) MALICIOUSLY INFORM another person that a poison or harmful substance has been or will be placed in a food, drink, nonprescription medicine, pharmaceutical product, spring, well, reservoir, or public water supply, knowing that the information is false and that it is likely that the information will be disseminated to the public. ~~, is guilty of a felony, punishable by imprisonment for not more than 2 years.~~

(2) A PERSON WHO VIOLATES SUBSECTION (1)(A) IS GUILTY OF A CRIME AS FOLLOWS:

(A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) TO (E), THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

(B) IF THE VIOLATION DAMAGES THE PROPERTY OF ANOTHER PERSON, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$15,000.00, OR BOTH.

(C) IF THE VIOLATION CAUSES PHYSICAL INJURY TO ANOTHER INDIVIDUAL, OTHER THAN SERIOUS IMPAIRMENT OF A BODY FUNCTION, THE

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1 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
2 MORE THAN 25 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR
3 BOTH.

4 (D) IF THE VIOLATION CAUSES SERIOUS IMPAIRMENT OF A BODY
5 FUNCTION TO ANOTHER INDIVIDUAL, THE PERSON IS GUILTY OF A FELONY
6 PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS OR A
7 FINE OF NOT MORE THAN \$25,000.00, OR BOTH. AS USED IN THIS SUB-
8 DIVISION, "SERIOUS IMPAIRMENT OF A BODY FUNCTION" MEANS THAT TERM
9 AS DEFINED IN SECTION 58C OF THE MICHIGAN VEHICLE CODE, 1949
10 PA 300, MCL 257.58C.

11 (E) IF THE VIOLATION CAUSES THE DEATH OF ANOTHER INDIVIDUAL,
12 THE PERSON IS GUILTY OF A FELONY AND SHALL BE IMPRISONED FOR LIFE
13 WITHOUT ELIGIBILITY FOR PAROLE AND MAY BE FINED NOT MORE THAN
14 \$40,000.00, OR BOTH.

15 (3) A PERSON WHO VIOLATES SUBSECTION (1)(B) IS GUILTY OF A
16 CRIME AS FOLLOWS:

17 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PERSON IS
18 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4
19 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

20 (B) IF THE PERSON HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING
21 SUBSECTION (1)(B), THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY
22 IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE
23 THAN \$5,000.00, OR BOTH.

(4) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR A
VIOLATION OF THIS SECTION TO BE SERVED CONSECUTIVELY TO A TERM OF
IMPRISONMENT IMPOSED FOR ANY OTHER VIOLATION OF LAW ARISING OUT OF THE
SAME TRANSACTION AS THE VIOLATION OF THIS SECTION.

(5) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING CHARGED
WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW THAT IS
COMMITTED BY THAT INDIVIDUAL WHILE VIOLATING THIS SECTION.

Enacting section 1. This amendatory act takes effect April 22, 2002.