

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5511

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 212a (MCL 750.212a), as added by 1998
PA 207.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 212a. (1) If a person violates this chapter ~~—~~ AND
2 the violation is committed in or is directed at a vulnerable
3 target, ~~and the violation results in the death of another indi-~~
4 ~~vidual or results in serious impairment of a body function of~~
5 ~~another individual,~~ the person is guilty of a felony punishable
6 by imprisonment for not more than 20 years. ~~—A—~~ THE COURT MAY
7 ORDER A term of imprisonment imposed under this section ~~shall~~
8 TO be served ~~concurrently~~ CONSECUTIVELY to the term of
9 imprisonment for the underlying violation.

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1 (2) As used in this section:

2 (a) "Serious impairment of a body function" means that term
3 as defined in section ~~625~~ 58C of the Michigan vehicle code,
4 1949 PA 300, MCL ~~257.625~~ 257.58C.

5 (b) "Vulnerable target" means any of the following:

6 (i) A child care center or day care center as defined in
7 section 1 of 1973 PA 116, MCL 722.111.

8 (ii) A health care facility or agency as defined in section
9 20106 of the public health code, 1978 PA 368, MCL 333.20106.

10 (iii) A building or structure open to the general public.

11 (iv) A church, synagogue, mosque, or other place of reli-
12 gious worship.

13 (v) A public, private, denominational, or parochial school
14 offering developmental kindergarten, kindergarten, or any grade 1
15 through 12.

16 (vi) An institution of higher education.

17 (vii) A STADIUM.

18 (viii) A TRANSPORTATION STRUCTURE OR FACILITY OPEN TO THE
19 PUBLIC, INCLUDING, BUT NOT LIMITED TO, A BRIDGE, A TUNNEL, A
20 PUBLIC HIGHWAY, OR A RAILROAD.

21 (ix) AN AIRPORT. AS USED IN THIS SUBPARAGRAPH, "AIRPORT"
22 MEANS THAT TERM AS DEFINED IN SECTION 2 OR SECTION 9 OF THE AERO-
23 NAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327, MCL 259.2 AND
24 259.9.

25 (x) PORT FACILITIES. AS USED IN THIS SUBPARAGRAPH, "PORT
26 FACILITIES" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE

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House Bill No. 5511 as amended March 5 and 21, 2002 3

1 HERTEL-LAW-T. STOPCZYNSKI PORT AUTHORITY ACT, 1978 PA 639, MCL
2 120.102.

3 (xi) A PUBLIC SERVICES FACILITY. AS USED IN THIS SUBPARA-
4 GRAPH, "PUBLIC SERVICES FACILITY" MEANS ANY OF THE FOLLOWING
5 FACILITIES WHETHER PUBLICLY OR PRIVATELY OWNED:

6 (A) A NATURAL GAS REFINERY, NATURAL GAS STORAGE FACILITY, OR
7 NATURAL GAS PIPELINE.

8 (B) AN ELECTRIC, STEAM, GAS, TELEPHONE, POWER, WATER, OR
9 PIPELINE FACILITY.

10 (C) A NUCLEAR POWER PLANT, NUCLEAR REACTOR FACILITY, OR
11 NUCLEAR WASTE STORAGE FACILITY.

12 (xii) A PETROLEUM REFINERY, PETROLEUM STORAGE FACILITY, OR
13 PETROLEUM PIPELINE.

14 (xiii) A VEHICLE, LOCOMOTIVE OR RAILROAD CAR, AIRCRAFT, OR
15 WATERCRAFT USED TO PROVIDE TRANSPORTATION SERVICES TO THE PUBLIC
16 OR TO PROVIDE FOR THE MOVEMENT OF GOODS IN COMMERCE.

17 (xiv) A BUILDING, STRUCTURE, OR OTHER FACILITY OWNED OR OPERATED BY
THE FEDERAL GOVERNMENT, BY THIS STATE, OR BY A POLITICAL SUBDIVISION OR
ANY OTHER INSTRUMENTALITY OF THIS STATE OR OF A LOCAL UNIT OF GOVERNMENT.

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

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

Enacting section 2. This amendatory act does not take effect unless
Senate Bill No. 940 of the 91st Legislature is enacted into law.