

SENATE BILL No. 940

December 11, 2001, Introduced by Senators NORTH, VAN REGENMORTER, SHUGARS, BULLARD, JOHNSON, MC MANUS, SIKKEMA, GOUGEON, HAMMERSTROM, GARCIA, SANBORN, SCHUETTE, GOSCHKA, STEIL, SCHWARZ and STILLE and referred to the Committee on Judiciary.

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, the vio-
2 lation is committed in or is directed at a vulnerable target, and
3 the violation results in the death of another individual or
4 results in serious impairment of a body function of another indi-
5 vidual, the person is guilty of a felony punishable by imprison-
6 ment for not more than 20 years. A term of imprisonment imposed
7 under this section shall be served concurrently to the term of
8 imprisonment for the underlying violation.

9 (2) As used in this section:

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

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

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

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

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

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

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

15 (vi) An institution of higher education.

16 (vii) A STADIUM.

17 (viii) A PUBLIC TRANSPORTATION STRUCTURE OR FACILITY,
18 INCLUDING, BUT NOT LIMITED TO, A BRIDGE, A TUNNEL, A PUBLIC HIGH-
19 WAY, OR A RAILROAD.

20 (ix) AN AIRPORT. AS USED IN THIS SUBPARAGRAPH, "AIRPORT"
21 MEANS THAT TERM AS DEFINED IN SECTION 9 OF THE AERONAUTICS CODE
22 OF THE STATE OF MICHIGAN, 1945 PA 327, MCL 259.9.

23 (x) PORT FACILITIES. AS USED IN THIS SUBPARAGRAPH, "PORT
24 FACILITIES" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE
25 HERTEL-LAW-T. STOPCZYNSKI PORT AUTHORITY ACT, 1978 PA 639, MCL
26 120.102.

1 (xi) A PUBLIC SERVICES PROVIDER. AS USED IN THIS
2 SUBPARAGRAPH, "PUBLIC SERVICES PROVIDER" MEANS ANY OF THE
3 FOLLOWING:

4 (A) A NATURAL GAS COMPANY SUBJECT TO THE JURISDICTION OF THE
5 FEDERAL ENERGY REGULATORY COMMISSION.

6 (B) AN ELECTRIC, STEAM, GAS, TELEPHONE, POWER, WATER, OR
7 PIPELINE COMPANY.

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