

# SENATE BILL No. 1095

February 12, 2002, Introduced by Senators HART, PETERS, DE BEAUSSAERT, EMERSON, CHERRY, BYRUM and YOUNG and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 90h.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 SEC. 90H. (1) AN INDIVIDUAL WHO COMMITS OR ATTEMPTS TO  
2 COMMIT A CRIME INVOLVING THE USE OR THREAT OF FORCE OR VIOLENCE  
3 AGAINST ANOTHER INDIVIDUAL IN OR UPON THE PROPERTY OF ANY OF THE  
4 FOLLOWING IS GUILTY OF A FELONY PUNISHABLE AS PROVIDED IN SUBSEC-  
5 TION (2):

6 (A) A CHURCH, SYNAGOGUE, TEMPLE, SHRINE, OR OTHER PLACE OF  
7 RELIGIOUS WORSHIP.

8 (B) A PUBLIC, PRIVATE, DENOMINATIONAL, OR PAROCHIAL SCHOOL  
9 OFFERING DEVELOPMENTAL KINDERGARTEN, KINDERGARTEN, OR ANY GRADE  
10 FROM 1 THROUGH 12.

1 (C) THE PREMISES OF A CHILD CARE ORGANIZATION LICENSED UNDER  
2 1973 PA 116, MCL 722.111 TO 722.128.

3 (D) A FACILITY LICENSED UNDER PART 213, 214, 215, OR 217 OF  
4 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.21301 TO 333.21333,  
5 333.21401 TO 333.21420, 333.21501 TO 333.21568, AND 333.21701 TO  
6 21799E.

7 (E) AN ADULT FOSTER CARE FACILITY LICENSED UNDER THE ADULT  
8 FOSTER CARE FACILITY LICENSING ACT, 1979 PA 218, MCL 400.701 TO  
9 400.737.

10 (F) A HOUSING FACILITY COMMERCIALY OPERATED TO PROVIDE A  
11 RESIDENCE FOR INDIVIDUALS 60 YEARS OF AGE OR OLDER.

12 (2) EXCEPT AS PROVIDED IN THIS SUBSECTION, AN INDIVIDUAL WHO  
13 VIOLATES SUBSECTION (1) SHALL BE PUNISHED BY IMPRISONMENT FOR 2  
14 YEARS. AN INDIVIDUAL CONVICTED OF A SECOND VIOLATION OF SUBSEC-  
15 TION (1) SHALL BE PUNISHED BY IMPRISONMENT FOR 5 YEARS. AN INDI-  
16 VIDUAL CONVICTED OF A THIRD OR SUBSEQUENT VIOLATION OF SUBSECTION  
17 (1) SHALL BE PUNISHED BY IMPRISONMENT FOR 10 YEARS.

18 (3) A TERM OF IMPRISONMENT PRESCRIBED BY THIS SECTION IS IN  
19 ADDITION TO THE SENTENCE IMPOSED FOR THE CONVICTION OF THE CRIME  
20 OR ATTEMPT TO COMMIT THE CRIME AND SHALL BE SERVED CONSECUTIVELY  
21 WITH AND PRECEDING ANY TERM OF IMPRISONMENT IMPOSED FOR THE CON-  
22 VICTION OF THAT CRIME OR ATTEMPT TO COMMIT THE CRIME.

23 (4) A TERM OF IMPRISONMENT IMPOSED UNDER THIS SECTION SHALL  
24 NOT BE SUSPENDED. THE INDIVIDUAL SUBJECT TO THE SENTENCE MAN-  
25 DATED BY THIS SECTION IS NOT ELIGIBLE FOR PAROLE OR PROBATION  
26 DURING THE MANDATORY TERM OF IMPRISONMENT IMPOSED UNDER  
27 SUBSECTION (2).