

Act No. 116
Public Acts of 2002
Approved by the Governor
March 29, 2002
Filed with the Secretary of State
April 1, 2002
EFFECTIVE DATE: April 22, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

**Introduced by Senators North, Van Regenmorter, Shugars, Bullard, Johnson, McManus, Sikkema, Gougeon,
Hammerstrom, Garcia, Sanborn, Schuette, Goschka, Steil, Schwarz and Stille**

ENROLLED SENATE BILL No. 940

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 212a (MCL 750.212a), as added by 1998 PA 207.

The People of the State of Michigan enact:

Sec. 212a. (1) If a person violates this chapter, the violation is committed in or is directed at a vulnerable target, and the violation results in the death of another individual or results in serious impairment of a body function of another individual, the person is guilty of a felony punishable by imprisonment for not more than 20 years. A term of imprisonment imposed under this section shall be served concurrently to the term of imprisonment for the underlying violation.

(2) As used in this section:

(a) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

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

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

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

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

(iv) A church, synagogue, mosque, or other place of religious worship.

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

(vi) An institution of higher education.

(vii) A stadium.

(viii) A transportation structure or facility open to the public, including, but not limited to, a bridge, a tunnel, a public highway, or a railroad.

(ix) A vehicle, locomotive or railroad car, aircraft, or watercraft used to provide transportation services to the public or to provide for the movement of goods in commerce.

(x) An airport. As used in this subparagraph, "airport" means that term as defined in section 9 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.9.

(xi) Port facilities. As used in this subparagraph, "port facilities" means that term as defined in section 2 of the Hertel-Law-T. Stopczynski port authority act, 1978 PA 639, MCL 120.102.

(xii) A public services provider. As used in this subparagraph, "public services provider" means any of the following:

(A) A natural gas company subject to the jurisdiction of the federal energy regulatory commission.

(B) An electric, steam, gas, telephone, power, water, or pipeline company, nuclear reactor, or nuclear waste storage facility.

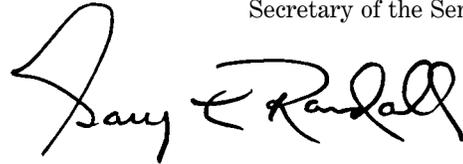
Enacting section 1. This amendatory act takes effect April 22, 2002.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5511 of the 91st Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved

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Governor.