

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1287

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 211a (MCL 750.211a), as amended by 2003 PA
257.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 211a. (1) A person shall not ~~manufacture~~ **do either**
2 **of the following:**

3 (a) **Except as provided in subdivision (b), manufacture, buy,**
4 **sell, furnish, or possess a Molotov cocktail or any similar**
5 **device.**

6 (b) **Manufacture**, buy, sell, furnish, or ~~have in his or her~~
7 ~~possession~~ **possess** any device that is designed to explode or
8 that will explode upon impact or with the application of heat or
9 a flame ~~—~~ or that is highly incendiary, with the intent to
10 frighten, terrorize, intimidate, threaten, harass, injure, or

1 kill any person, or with the intent to damage or destroy any real
2 or personal property without the permission of the property owner
3 or, if the property is public property, without the permission of
4 the governmental agency having authority over that property.

5 (2) A person who violates subsection (1) is guilty of a crime
6 as follows:

7 (a) For a violation of subsection (1)(a), the person is
8 guilty of a felony punishable by imprisonment for not more than 4
9 years or a fine of not more than \$2,000.00, or both.

10 (b) ~~-(a) Except~~ For a violation of subsection (1)(b) and
11 **except** as provided in subdivisions ~~-(b)- (c)~~ to ~~-(e)- (f)~~, the
12 person is guilty of a felony punishable by imprisonment for not
13 more than 15 years or a fine of not more than \$10,000.00, or
14 both.

15 (c) ~~-(b)-~~ If the violation damages the property of another
16 person, the person is guilty of a felony punishable by
17 imprisonment for not more than 20 years or a fine of not more
18 than \$15,000.00, or both.

19 (d) ~~-(e)-~~ If the violation causes physical injury to another
20 individual, other than serious impairment of a body function, the
21 person is guilty of a felony punishable by imprisonment for not
22 more than 25 years or a fine of not more than \$20,000.00, or
23 both.

24 (e) ~~-(d)-~~ If the violation causes serious impairment of a
25 body function to another individual, the person is guilty of a
26 felony punishable by imprisonment for life or any term of years
27 or a fine of not more than \$25,000.00, or both.

1 **(f)** ~~-(e)-~~ If the violation causes the death of another
2 individual, the person is guilty of a felony and shall be
3 imprisoned for life without eligibility for parole and may be
4 fined not more than \$40,000.00, or both.

5 **(3) As used in this section, "Molotov cocktail" means an**
6 **improvised incendiary device that is constructed from a bottle or**
7 **other container filled with a flammable or combustible material**
8 **or substance and that has a wick, fuse, or other device designed**
9 **or intended to ignite the contents of the device when it is**
10 **thrown or placed near a target.**

11 Enacting section 1. This amendatory act takes effect
12 April 1, 2005.