

# HOUSE BILL No. 4513

April 2, 2003, Introduced by Reps. Nofs, Gaffney, Stakoe, Garfield, Stahl, Wenke, Van Regenmorter, Robertson, Ruth Johnson, Rocca, Howell, Taub, Caswell, Richardville, Palsrok, Caul, Hune, Newell, DeRoche, Bisbee, Middaugh, Brandenburg, Acciavatti, LaJoy, Pastor, Casperson, Tabor, Drolet, Milosch, Bieda, Lipsey, Gielegghem, Meisner, Moolenaar and Ward and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 200h (MCL 750.200h), as amended by 2001 PA  
135.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 200h. As used in this ~~section and sections 200i to~~  
2 ~~200l~~ **chapter:**

3       (a) "Chemical irritant" means solid, liquid, or gas that  
4 through its chemical or physical properties, alone or in  
5 combination with 1 or more other substances, can be used to  
6 produce an irritant effect in humans, animals, or plants.

7       (b) "Chemical irritant device" means a device designed or  
8 intended to release a chemical irritant.

9       (c) "Deliver" means that actual or constructive transfer of a  
10 substance or device from 1 person to another regardless of any

1 agency relationship.

2 (d) "For an unlawful purpose" includes, but is not limited  
3 to, having the intent to do any of the following:

4 (i) Frighten, terrorize, intimidate, threaten, harass,  
5 injure, or kill any person.

6 (ii) Damage or destroy any real or personal property without  
7 the permission of the property owner or, if the property is  
8 public property, without the permission of the governmental  
9 agency having authority over the property.

10 (e) "Harmful biological device" means a device designed or  
11 intended to release a harmful biological substance.

12 (f) "Harmful biological substance" means a bacteria, virus,  
13 or other microorganism or a toxic substance derived from or  
14 produced by an organism that can be used to cause death, injury,  
15 or disease in humans, animals, or plants.

16 (g) "Harmful chemical device" means a device that is designed  
17 or intended to release a harmful chemical substance.

18 (h) "Harmful chemical substance" means a solid, liquid, or  
19 gas that through its chemical or physical properties, alone or in  
20 combination with 1 or more other chemical substances, can be used  
21 to cause death, injury, or disease in humans, animals, or  
22 plants.

23 (i) "Harmful radioactive material" means material that is  
24 radioactive and that can be used to cause death, injury, or  
25 disease in humans, animals, or growing plants by its  
26 radioactivity.

27 (j) "Harmful radioactive device" means a device that is

1 designed or intended to release a harmful radioactive material.

2       **(k) "Harmful electronic or electromagnetic device" means a**  
 3 **device designed to emit or radiate an electronic or**  
 4 **electromagnetic pulse or signal or microwave that is intended to**  
 5 **cause harm to others or cause damage to, or destroy, or disrupt**  
 6 **any electronic or telecommunications system or device including a**  
 7 **computer or computer network.**

8       **(l) ~~-(k)-~~ "Imitation harmful substance or device" means a**  
 9 **substance or device that is designed or intended to represent 1**  
 10 **or more of the following or that is alleged to be 1 of the**  
 11 **following but that is not any of the following:**

12       **(i) A harmful biological device.**

13       **(ii) A harmful biological substance.**

14       **(iii) A harmful chemical device.**

15       **(iv) A harmful chemical substance.**

16       **(v) A harmful radioactive material.**

17       **(vi) A radioactive device.**

18       **(vii) A harmful electronic or electromagnetic device.**

19       **(m) ~~-(l)-~~ "Serious impairment of a body function" ~~means that~~**  
 20 **~~term as defined in section 58c or 625 of the Michigan vehicle~~**  
 21 **~~code, 1949 PA 300, MCL 257.625.~~ includes, but is not limited to,**  
 22 **1 or more of the following:**

23       **(i) Loss of a limb or use of a limb.**

24       **(ii) Loss of a hand, foot, finger, or thumb or use of a hand,**  
 25 **foot, finger, or thumb.**

26       **(iii) Loss of an eye or ear or use of an eye or ear.**

27       **(iv) Loss or substantial impairment of a bodily function.**

1 (v) Serious visible disfigurement.

2 (vi) A comatose state that lasts for more than 3 days.

3 (vii) Measurable brain damage or mental impairment.

4 (viii) A skull fracture or other serious bone fracture.

5 (ix) Subdural hemorrhage or subdural hematoma.

6 Enacting section 1. This amendatory act does not take  
7 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4514  
8 (request no. 03372'03) of the 92nd Legislature is enacted into  
9 law.