

# SENATE BILL No. 1287

June 8, 2004, Introduced by Senator GILBERT and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 210 and 211a (MCL 750.210 and 750.211a), as  
amended by 2003 PA 257.

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

1       Sec. 210. (1) A person shall not ~~carry~~ do either of the  
2 following:

3       (a) Carry or possess an explosive or combustible substance  
4 or a substance or compound that when combined with another  
5 substance or compound will become explosive or combustible or an  
6 article containing an explosive or combustible substance or a  
7 substance or compound that when combined with another substance  
8 or compound will become explosive or combustible, except as  
9 authorized by law.

10       (b) Carry or possess an explosive or combustible substance

1 or a substance or compound that when combined with another  
2 substance or compound will become explosive or combustible or an  
3 article containing an explosive or combustible substance or a  
4 substance or compound that when combined with another substance  
5 or compound will become explosive or combustible, with the intent  
6 to frighten, terrorize, intimidate, threaten, harass, injure, or  
7 kill any person, or with the intent to damage or destroy any real  
8 or personal property without the permission of the property owner  
9 or, if the property is public property, without the permission of  
10 the governmental agency having authority over that property.

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

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

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

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

25 (d) ~~(e)~~ If the violation causes physical injury to another  
26 individual, other than serious impairment of a body function, the  
27 person is guilty of a felony punishable by imprisonment for not

1 more than 25 years or a fine of not more than \$20,000.00, or  
2 both.

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

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

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

13       **(a) Possess any device that is designed to explode or that**  
14 **will explode upon impact or with the application of heat or a**  
15 **flame or that is highly incendiary, except as authorized by law.**

16       **(b) Manufacture, buy, sell, furnish, or** ~~—have in his or her~~  
17 ~~possession—~~ **possess** any device that is designed to explode or  
18 that will explode upon impact or with the application of heat or  
19 a flame ~~—~~ or that is highly incendiary, with the intent to  
20 frighten, terrorize, intimidate, threaten, harass, injure, or  
21 kill any person, or with the intent to damage or destroy any real  
22 or personal property without the permission of the property owner  
23 or, if the property is public property, without the permission of  
24 the governmental agency having authority over that property.

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

27       **(a) For a violation of subsection (1)(a), the person is**

1 guilty of a felony punishable by imprisonment for not more than 4  
2 years or a fine of not more than \$2,000.00, or both.

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

8 (c) ~~—(b)—~~ If the violation damages the property of another  
9 person, the person is guilty of a felony punishable by  
10 imprisonment for not more than 20 years or a fine of not more  
11 than \$15,000.00, or both.

12 (d) ~~—(e)—~~ If the violation causes physical injury to another  
13 individual, other than serious impairment of a body function, the  
14 person is guilty of a felony punishable by imprisonment for not  
15 more than 25 years or a fine of not more than \$20,000.00, or  
16 both.

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

21 (f) ~~—(e)—~~ If the violation causes the death of another  
22 individual, the person is guilty of a felony and shall be  
23 imprisoned for life without eligibility for parole and may be  
24 fined not more than \$40,000.00, or both.