

SUBSTITUTE FOR
SENATE BILL NO. 816

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 498b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 498B. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON
2 WHO, WITHOUT LAWFUL AUTHORITY, TAMPERS WITH, TAKES, OR REMOVES A
3 MARINE SAFETY DEVICE OWNED OR MAINTAINED BY THIS STATE OR A
4 POLITICAL SUBDIVISION OF THIS STATE KNOWING OR HAVING REASON TO
5 KNOW THAT THE DEVICE IS A MARINE SAFETY DEVICE IS GUILTY OF A
6 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
7 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.
8 (2) A PERSON WHO, WITHOUT LAWFUL AUTHORITY, TAMPERS WITH,

Senate Bill No. 816 (S-4) as amended June 7, 2006

1 TAKES, OR REMOVES A MARINE SAFETY DEVICE OWNED OR MAINTAINED BY
2 THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE KNOWING OR
3 HAVING REASON TO KNOW THAT THE DEVICE IS A MARINE SAFETY DEVICE,
4 AND THEREBY RENDERS THE DEVICE UNAVAILABLE OR UNUSABLE FOR RESCUE
5 WHEN NEEDED IS GUILTY OF A CRIME AS FOLLOWS:

6 (A) IF THE VIOLATION IS THE PROXIMATE CAUSE OF SERIOUS
7 IMPAIRMENT OF A BODY FUNCTION OF ANOTHER PERSON, THE PERSON IS
8 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5
9 YEARS OR A FINE OF NOT LESS THAN \$1,000.00 OR MORE THAN \$5,000.00,
10 OR BOTH IMPRISONMENT AND A FINE.

11 (B) IF THE VIOLATION IS THE PROXIMATE CAUSE OF THE DEATH OF
12 ANOTHER PERSON, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY
13 IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT LESS THAN
14 \$2,500.00 OR MORE THAN \$10,000.00, OR BOTH IMPRISONMENT AND A FINE.

15 (3) AS USED IN THIS SECTION:

16 (A) "MARINE SAFETY DEVICE" MEANS A DEVICE DESIGNED OR INTENDED
17 TO BE USED TO RESCUE INDIVIDUALS IN MARINE EMERGENCY SITUATIONS,
18 INCLUDING, BUT NOT LIMITED TO, LIFE PRESERVERS, SAFETY HARNESSSES,
19 LADDERS, LINES, AND THROW RINGS.

20 (B) "SERIOUS IMPAIRMENT OF A BODY FUNCTION" MEANS THAT TERM AS
21 DEFINED IN SECTION 58C OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
22 MCL 257.58C.

[Enacting section 1. This amendatory act takes effect July 1,
2006.]