

# HOUSE BILL No. 5268

October 6, 2005, Introduced by Reps. Meyer, Nofs and Taub and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 85.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 85. (1) A PERSON WHO TORTURES ANOTHER PERSON IS GUILTY OF  
2 A FELONY PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS.

3        (2) AS USED IN THIS SECTION:

4        (A) "GREAT BODILY INJURY" MEANS A SIGNIFICANT OR SUBSTANTIAL  
5 PHYSICAL INJURY.

6        (B) "SEVERE MENTAL PAIN OR SUFFERING" MEANS THE PROLONGED  
7 MENTAL HARM CAUSED BY OR RESULTING FROM ANY OF THE FOLLOWING:

8        (i) THE INTENTIONAL INFLECTION OR THREATENED INFLECTION OF  
9 SEVERE PHYSICAL PAIN OR SUFFERING.

10        (ii) THE ADMINISTRATION OR APPLICATION, OR THREATENED

1 ADMINISTRATION OR APPLICATION, OF MIND-ALTERING SUBSTANCES OR OTHER  
2 PROCEDURES CALCULATED TO PROFOUNDLY DISRUPT THE SENSES OR THE  
3 PERSONALITY.

4 (iii) THE THREAT OF IMMINENT DEATH.

5 (iv) THE THREAT THAT ANOTHER PERSON WILL IMMINENTLY BE  
6 SUBJECTED TO DEATH, SEVERE PHYSICAL PAIN OR SUFFERING, OR THE  
7 ADMINISTRATION OR APPLICATION OF MIND-ALTERING SUBSTANCES OR OTHER  
8 PROCEDURES CALCULATED TO PROFOUNDLY DISRUPT THE SENSES OR  
9 PERSONALITY.

10 (C) "TORTURE" MEANS AN ACT SPECIFICALLY INTENDED TO INFLECT  
11 GREAT BODILY INJURY OR SEVERE MENTAL PAIN OR SUFFERING UPON ANOTHER  
12 PERSON WITHIN HIS OR HER CUSTODY OR PHYSICAL CONTROL.

13 (3) PROOF THAT A VICTIM SUFFERED PAIN IS NOT AN ELEMENT OF THE  
14 CRIME UNDER THIS SECTION.

15 (4) A CONVICTION OR SENTENCE UNDER THIS SECTION DOES NOT  
16 PRECLUDE A CONVICTION OR SENTENCE FOR A VIOLATION OF ANY OTHER LAW  
17 OF THIS STATE ARISING FROM THE SAME TRANSACTION.

18 Enacting section 1. This amendatory act takes effect January  
19 1, 2006.