

# HOUSE BILL No. 6320

August 9, 2006, Introduced by Reps. Clack, Farrah, Kathleen Law, Hopgood, Accavitti, Donigan, Clemente, Gillard, Hunter, Tobocman, Alma Smith, Espinoza, McDowell, Condino, Bieda, Gleason, Brown, Adamini, Murphy, Virgil Smith, Zelenko, Meisner, Sak, Gonzales, Anderson, Williams, Farhat, Hune, Gaffney, Nofs, Stewart, Stahl, Meyer, Mortimer, Kahn, Ward, Vagnozzi, Sheltroun, Lemmons, Jr., Miller, Angerer, McConico, Leland, Plakas, Lipsey, Ball and Lemmons, III and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 234a (MCL 750.234a), as amended by 2005 PA 303.

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

1           Sec. 234a. (1) Except as ~~provided in subsection (2) or (3)~~  
2 **OTHERWISE PROVIDED IN THIS SECTION**, an individual who intentionally  
3 discharges a firearm from a motor vehicle, a snowmobile, or an off-  
4 road vehicle in such a manner as to endanger the safety of another  
5 individual is guilty of a felony, punishable by imprisonment for  
6 not more than ~~4~~ 10 years ~~—~~ or a fine of not more than  
7 ~~\$2,000.00~~ \$10,000.00, or both.

8           (2) **AN INDIVIDUAL WHO VIOLATES THIS SECTION IN A MANNER THAT**  
9 **CAUSES THE SERIOUS IMPAIRMENT OF A BODY FUNCTION OF ANOTHER**  
10 **INDIVIDUAL IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT**

HOUSE BILL No. 6320

1 MORE THAN 15 YEARS, OR A FINE OF NOT MORE THAN \$25,000.00, OR BOTH.

2 (3) ~~(2) Subsection (1) does~~ SUBSECTIONS (1) AND (2) DO not  
3 apply to ~~a~~ ANY OF THE FOLLOWING:

4 (A) A peace officer of this state or another state, or of a  
5 local unit of government of this state or another state, or of the  
6 United States, performing his or her duties as a peace officer  
7 while on or off a scheduled work shift as a peace officer. ~~As used~~  
8 ~~in this subsection, "peace officer" means that term as defined in~~  
9 ~~section 215.~~

10 (B) ~~(3) Subsection (1) does not apply to an~~ AN individual  
11 who discharges a firearm in self-defense or the defense of another  
12 individual.

13 (4) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING  
14 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF  
15 LAW THAT IS COMMITTED BY THAT INDIVIDUAL WHILE VIOLATING THIS  
16 SECTION.

17 (5) AS USED IN THIS SECTION:

18 (A) "PEACE OFFICER" MEANS THAT TERM AS DEFINED IN SECTION 215.

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