

SENATE BILL No. 524

May 19, 2005, Introduced by Senators McMANUS, PRUSI, GOSCHKA, ALLEN and KUIPERS 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 167d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 167D. (1) AN INDIVIDUAL WHO DISCHARGES A FIREARM AND KNOWS
2 OR HAS REASON TO KNOW THAT BY THAT DISCHARGE HE OR SHE HAS CAUSED
3 INJURY TO ANOTHER INDIVIDUAL SHALL IMMEDIATELY DO BOTH OF THE
4 FOLLOWING:

5 (A) PROVIDE ASSISTANCE TO THE INJURED INDIVIDUAL IN A MANNER THAT
6 A REASONABLE PERSON WOULD CONSIDER APPROPRIATE UNDER THE
7 CIRCUMSTANCES.

8 (B) REPORT THE INCIDENT TO A POLICE AGENCY HAVING JURISDICTION.

1 IN MAKING THE REPORT UNDER THIS SUBDIVISION THE INDIVIDUAL SHALL
2 DISCLOSE HIS OR HER LEGAL NAME AND ADDRESS, THE LOCATION OF THE
3 INCIDENT, AND THE FACT THAT AN INDIVIDUAL HAS BEEN INJURED.

4 (2) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME
5 AS FOLLOWS:

6 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), THE PERSON IS
7 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1
8 YEAR OR A FINE OF NOT MORE THAN \$1000.00, OR BOTH.

9 (B) IF THE DISCHARGE CAUSED SERIOUS IMPAIRMENT OF A BODY FUNCTION
10 TO THE OTHER INDIVIDUAL, THE INDIVIDUAL IS GUILTY OF A FELONY
11 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT
12 LESS THAN \$1,000.00 OR MORE THAN \$5,000.00, OR BOTH A FINE AND
13 IMPRISONMENT.

14 (C) IF THE DISCHARGE CAUSED THE DEATH OF THE OTHER INDIVIDUAL,
15 THE INDIVIDUAL IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR
16 NOT MORE THAN 15 YEARS OR A FINE OF NOT LESS THAN \$2,500.00 OR MORE
17 THAN \$10,000.00, OR BOTH A FINE AND IMPRISONMENT.

18 (3) THIS SECTION DOES NOT PROHIBIT THE INDIVIDUAL FROM BEING
19 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW
20 COMMITTED BY THE INDIVIDUAL WHILE VIOLATING THIS SECTION.

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