

# SENATE BILL No. 358

March 20, 2007, Introduced by Senators KUIPERS and ALLEN 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 498c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 498C. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON  
2        WHO, WITHOUT LAWFUL AUTHORITY, TAMPERS WITH, TAKES, OR REMOVES A  
3        PUBLIC 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 PUBLIC 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,  
9        TAKES, OR REMOVES A PUBLIC SAFETY DEVICE OWNED OR MAINTAINED BY

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

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

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

14 (3) AS USED IN THIS SECTION:

15 (A) "PUBLIC SAFETY DEVICE" MEANS EITHER OF THE FOLLOWING:

16 (i) A DEVICE TO RENDER EMERGENCY MEDICAL ASSISTANCE TO AN  
17 INDIVIDUAL INCLUDING << >> A FIRST AID KIT, AN  
18 OXYGEN SUPPLY KIT, A CARDIAC DEFIBRILLATOR, OR A STRETCHER.

19 (ii) A DEVICE TO PREVENT OR SUPPRESS A FIRE INCLUDING <<  
20 >> A FIRE DETECTOR, FIRE ALARM, OR FIRE EXTINGUISHER.

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

<<Enacting section 1. This amendatory act takes effect 90 days  
after the date it is enacted.>>