

HOUSE BILL No. 4695

May 1, 2007, Introduced by Reps. Hildenbrand, Farrah, Angerer, Elsenheimer, Schuitmaker, Hammon and Moss and referred to the Committee on Regulatory Reform.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 243e (MCL 750.243e).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 243e. (1) ~~Any~~ A person, firm, copartnership, or
2 corporation ~~, who~~ **THAT** violates ~~any of the provisions of sections~~
3 243a to 243d, or ~~who~~ **THAT** violates the terms of ~~any~~ A permit issued
4 ~~thereunder~~ **UNDER SECTIONS 243A TO 243D**, is guilty of a misdemeanor.

5 (2) A PERSON, FIRM, COPARTNERSHIP, OR CORPORATION THAT USES,
6 EXPLODES, OR CAUSES TO EXPLODE A FIREWORK DESCRIBED UNDER SECTION
7 243A(2) IN VIOLATION OF SUBSECTION (1) AND AS A DIRECT RESULT OF
8 THE USE OR EXPLOSION CAUSES PROPERTY DAMAGE OR INJURY, SERIOUS
9 IMPAIRMENT OF A BODY FUNCTION, OR THE DEATH OF ANOTHER IS GUILTY OF
10 A CRIME AS FOLLOWS:

1 (A) IF THE VIOLATION DIRECTLY CAUSES PROPERTY DAMAGE, THE
2 PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
3 NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

4 (B) IF THE VIOLATION DIRECTLY CAUSES INJURY TO ANY PERSON,
5 OTHER THAN SERIOUS IMPAIRMENT OF BODY FUNCTION OR DEATH, THE PERSON
6 IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
7 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

8 (C) IF THE VIOLATION DIRECTLY CAUSES SERIOUS IMPAIRMENT OF
9 BODY FUNCTION TO ANY PERSON, THE PERSON IS GUILTY OF A FELONY
10 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF
11 NOT MORE THAN \$5,000.00, OR BOTH.

12 (D) IF THE VIOLATION DIRECTLY CAUSES DEATH TO ANY PERSON, THE
13 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
14 MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

15 (3) A CRIMINAL PENALTY PROVIDED FOR UNDER SUBSECTION (2) MAY
16 BE IMPOSED IN ADDITION TO ANY PENALTY THAT MAY BE IMPOSED FOR ANY
17 OTHER CRIMINAL OFFENSE ARISING FROM THE SAME CONDUCT OR FOR ANY
18 CONTEMPT OF COURT ARISING FROM THE SAME CONDUCT.

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