

HOUSE BILL No. 4205

(As amended May 27, 2008)

February 5, 2009, Introduced by Reps. Pearce, Rogers, Opsommer, Lori, Green, Walsh, Bolger, Kurtz and McMillin and referred to the Committee on Transportation.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 394b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 394B. (1) [EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,] A
PERSON SHALL NOT DO EITHER OF THE FOLLOWING:

2 (A) INTENTIONALLY PLACE AN ITEM IN OR ACROSS A ROADWAY IF THE
3 PERSON KNOWS OR SHOULD KNOW THAT THE ITEM IS LIKELY TO COME INTO
4 CONTACT WITH A MOVING VEHICLE OR ANOTHER PERSON RIDING IN OR UPON A
5 MOVING VEHICLE.

6 (B) INTENTIONALLY PLACE A DANGEROUS ITEM IN OR ACROSS A
7 ROADWAY.

8 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS
9 FOLLOWS:

10 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B), (C), (D), AND (E),

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1 THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT
2 FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR
3 BOTH.

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

7 (C) IF THE VIOLATION CAUSES INJURY TO ANY PERSON, OTHER THAN
8 SERIOUS IMPAIRMENT OR DEATH, THE PERSON IS GUILTY OF A FELONY
9 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
10 NOT MORE THAN \$2,000.00, OR BOTH.

11 (D) IF THE VIOLATION CAUSES SERIOUS IMPAIRMENT TO ANY PERSON,
12 THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
13 MORE THAN 10 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

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

[(3) SUBSECTION (1) DOES NOT APPLY TO A PERSON WHO ENGAGES IN
CONDUCT DESCRIBED IN SUBSECTION (1) SOLELY FOR AUTHORIZED LAW ENFORCEMENT
OR TRAFFIC CONTROL PURPOSES.]

17 [(4)] A CRIMINAL PENALTY PROVIDED FOR UNDER THIS SECTION MAY BE
18 IMPOSED IN ADDITION TO ANY PENALTY THAT MAY BE IMPOSED FOR ANY
19 OTHER CRIMINAL OFFENSE ARISING FROM THE SAME CONDUCT OR FOR ANY
20 CONTEMPT OF COURT ARISING FROM THE SAME CONDUCT.

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