

HOUSE BILL No. 5942

As Amended June 7, 2018

May 8, 2018, Introduced by Reps. LaFave, Marino, Kelly, VanSingel, Calley, Yarocho, Miller, Noble, Lilly, Bellino, Alexander, Brann, Rendon, Webber, Lucido, Kesto and Iden 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 235b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 235B. (1) A PERSON WHO VERBALLY, THROUGH THE USE OF AN
2 ELECTRONIC DEVICE OR SYSTEM, OR THROUGH OTHER MEANS [INTENTIONALLY]
 THREATENS TO
3 USE A FIREARM, EXPLOSIVE, OR OTHER DANGEROUS WEAPON TO COMMIT AN
4 ACT OF VIOLENCE AGAINST ANY STUDENTS OR SCHOOL EMPLOYEES ON SCHOOL
5 GROUNDS OR SCHOOL PROPERTY IF THE THREAT CAN BE REASONABLY
6 INTERPRETED TO BE HARMFUL OR ADVERSE TO HUMAN LIFE, OR DANGEROUS TO
7 HUMAN LIFE AS THAT TERM IS DEFINED IN SECTION 543B, IS GUILTY OF A
8 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR
9 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

1 (2) A PERSON WHO VIOLATES SUBSECTION (1) AND WHO IN THE COURSE
2 OF VIOLATING SUBSECTION (1) HAD THE SPECIFIC INTENT TO CARRY OUT
3 THE THREAT, OR HAD UNDERTAKEN AN OVERT ACT TOWARD CARRYING OUT THE
4 THREAT, IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
5 MORE THAN 10 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR BOTH.

6 (3) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED
7 WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW
8 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
9 SECTION.

10 (4) AS USED IN THIS SECTION:

11 (A) "DANGEROUS WEAPON" MEANS A KNIFE, STABBING INSTRUMENT,
12 BRASS KNUCKLES, BLACKJACK, CLUB, OR OTHER OBJECT SPECIFICALLY
13 DESIGNED OR CUSTOMARILY CARRIED OR POSSESSED FOR USE AS A WEAPON.

14 (B) "SCHOOL" MEANS THAT TERM AS DEFINED IN SECTION 237A.

15 (C) "SCHOOL PROPERTY" MEANS THAT TERM AS DEFINED IN SECTION
16 237A.

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted into law.