

SENATE BILL NO. 824

January 19, 2022, Introduced by Senators STAMAS, HOLLIER, CHANG and IRWIN and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 16, 18, 200i, 204, 207, 209, 210, 211a, 316,
436, and 543f (MCL 750.16, 750.18, 750.200i, 750.204, 750.207,
750.209, 750.210, 750.211a, 750.316, 750.436, and 750.543f),
sections 16, 18, 200i, 204, 207, 209, 210, 211a, 436, and 543f as
amended by 2014 PA 23 and section 316 as amended by 2014 PA 158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16. (1) Except as otherwise provided in this section, a

1 person who knowingly or recklessly commits any of the following
2 actions is guilty of a felony punishable by imprisonment for not
3 more than 2 years or a fine of not more than \$1,000.00, or both:

4 (a) Adulterates, misbrands, removes, or substitutes a drug or
5 medicine so as to render that drug or medicine injurious to health.

6 (b) Sells, offers for sale, possesses for sale, causes to be
7 sold, or manufactures for sale a drug or medicine that has been
8 adulterated, misbranded, removed, or substituted so as to render it
9 injurious to health.

10 (2) A person who commits a violation of subsection (1) that
11 results in personal injury is guilty of a felony punishable by
12 imprisonment for not more than 4 years or a fine of not more than
13 \$4,000.00, or both.

14 (3) A person who commits a violation of subsection (1) that
15 results in serious impairment of a body function is guilty of a
16 felony punishable by imprisonment for not more than 5 years or a
17 fine of not more than \$5,000.00, or both.

18 (4) A person who commits a violation of subsection (1) that
19 results in death is guilty of a felony punishable by imprisonment
20 for not more than 15 years or a fine of not more than \$20,000.00,
21 or both.

22 (5) Except as provided in ~~sections~~ **section** 25 and 25a of
23 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
24 769.25, and ~~769.25a~~, a person who commits a violation of subsection
25 (1) with the intent to kill or to cause serious impairment of a
26 body function of 2 or more individuals that results in death is
27 guilty of a felony punishable by imprisonment for life without
28 possibility of parole or life without possibility of parole and a
29 fine of not more than \$40,000.00. It is not a defense to a charge

1 under this subsection that the person did not intend to kill a
2 specific individual or did not intend to cause serious impairment
3 of a body function of 2 or more specific individuals.

4 (6) As used in this section, "serious impairment of a body
5 function" means that phrase as defined in section 58c of the
6 Michigan vehicle code, 1949 PA 300, MCL 257.58c.

7 (7) This section does not prohibit an individual from being
8 charged with, convicted of, or punished for any other violation of
9 law that is committed by that individual while violating this
10 section.

11 Sec. 18. (1) Except for the purpose of compounding in the
12 necessary preparation of medicine, a person shall not knowingly or
13 recklessly mix, color, stain, or powder, or order or permit another
14 person to mix, color, stain, or powder, a drug or medicine with an
15 ingredient or material so as to injuriously affect the quality or
16 potency of the drug or medicine.

17 (2) A person shall not sell, offer for sale, possess for sale,
18 cause to be sold, or manufacture for sale a drug or medicine mixed,
19 colored, stained, or powdered in the manner proscribed in
20 subsection (1).

21 (3) Except as otherwise provided in this section, a person who
22 violates subsection (1) or (2) is guilty of a felony punishable by
23 imprisonment for not more than 2 years or a fine of not more than
24 \$1,000.00, or both.

25 (4) A person who commits a violation of subsection (1) or (2)
26 that results in personal injury is guilty of a felony punishable by
27 imprisonment for not more than 4 years or a fine of not more than
28 \$4,000.00, or both.

29 (5) A person who commits a violation of subsection (1) or (2)

1 that results in serious impairment of a body function is guilty of
2 a felony punishable by imprisonment for not more than 5 years or a
3 fine of not more than \$5,000.00, or both.

4 (6) A person who commits a violation of subsection (1) or (2)
5 that results in death is guilty of a felony punishable by
6 imprisonment for not more than 15 years or a fine of not more than
7 \$20,000.00, or both.

8 (7) Except as provided in ~~sections~~ **section** 25 ~~and 25a~~ of
9 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
10 769.25, ~~and 769.25a~~, a person who commits a violation of subsection
11 (1) or (2) with the intent to kill or to cause serious impairment
12 of a body function of 2 or more individuals that results in death
13 is guilty of a felony punishable by imprisonment for life without
14 possibility of parole or life without possibility of parole and a
15 fine of not more than \$40,000.00. It is not a defense to a charge
16 under this subsection that the person did not intend to kill a
17 specific individual or did not intend to cause serious impairment
18 of a body function of 2 or more specific individuals.

19 (8) As used in this section, "serious impairment of a body
20 function" means that phrase as defined in section 58c of the
21 Michigan vehicle code, 1949 PA 300, MCL 257.58c.

22 (9) This section does not prohibit an individual from being
23 charged with, convicted of, or punished for any other violation of
24 law that is committed by that individual while violating this
25 section.

26 Sec. 200i. (1) A person shall not manufacture, deliver,
27 possess, transport, place, use, or release any of the following for
28 an unlawful purpose:

29 (a) A harmful biological substance or a harmful biological

1 device.

2 (b) A harmful chemical substance or a harmful chemical device.

3 (c) A harmful radioactive material or a harmful radioactive
4 device.

5 (d) A harmful electronic or electromagnetic device.

6 (2) A person who violates subsection (1) is guilty of a crime
7 as follows:

8 (a) Except as provided in subdivisions (b) to (e), the person
9 is guilty of a felony punishable by imprisonment for not more than
10 15 years or a fine of not more than \$10,000.00, or both.

11 (b) If the violation directly or indirectly results in
12 property damage, the person is guilty of a felony punishable by
13 imprisonment for not more than 20 years or a fine of not more than
14 \$15,000.00, or both.

15 (c) If the violation directly or indirectly results in
16 personal injury to another individual other than serious impairment
17 of a body function or death, the person is guilty of a felony
18 punishable by imprisonment for not more than 25 years or a fine of
19 not more than \$20,000.00, or both.

20 (d) If the violation directly or indirectly results in serious
21 impairment of a body function to another individual, the person is
22 guilty of a felony punishable by imprisonment for life or any term
23 of years or a fine of not more than \$25,000.00, or both.

24 (e) Except as provided in ~~sections~~ **section** 25 ~~and 25a~~ of
25 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
26 769.25, ~~and 769.25a~~, if the violation directly or indirectly
27 results in the death of another individual, the person is guilty of
28 a felony and shall be punished by imprisonment for life without
29 eligibility for parole and may be fined not more than \$40,000.00,

1 or both.

2 Sec. 204. (1) A person shall not send or deliver to another
3 person or cause to be taken or received by any person any kind of
4 explosive substance or any other dangerous thing with the intent to
5 frighten, terrorize, intimidate, threaten, harass, injure, or kill
6 any person, or with the intent to damage or destroy any real or
7 personal property without the permission of the property owner or,
8 if the property is public property, without the permission of the
9 governmental agency having authority over that property.

10 (2) A person who violates this section is guilty of a crime as
11 follows:

12 (a) Except as otherwise provided in subdivisions (b) to (e),
13 the 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 (b) If the violation damages the property of another person,
16 the person is guilty of a felony punishable by imprisonment for not
17 more than 20 years or a fine of not more than \$15,000.00, or both.

18 (c) If the violation causes physical injury to another
19 individual, other than serious impairment of a body function, the
20 person is guilty of a felony punishable by imprisonment for not
21 more than 25 years or a fine of not more than \$20,000.00, or both.

22 (d) If the violation causes serious impairment of a body
23 function to another individual, the person is guilty of a felony
24 punishable by imprisonment for life or any term of years or a fine
25 of not more than \$25,000.00, or both.

26 (e) Except as provided in ~~sections~~ **section** 25 and ~~25a~~ of
27 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
28 769.25, and ~~769.25a~~, if the violation causes the death of another
29 individual, the person is guilty of a felony and shall be

1 imprisoned for life without eligibility for parole and may be fined
2 not more than \$40,000.00, or both.

3 Sec. 207. (1) A person shall not place an explosive substance
4 in or near any real or personal property with the intent to
5 frighten, terrorize, intimidate, threaten, harass, injure, or kill
6 any person, or with the intent to damage or destroy any real or
7 personal property without the permission of the property owner or,
8 if the property is public property, without the permission of the
9 governmental agency having authority over that property.

10 (2) A person who violates this section is guilty of a crime as
11 follows:

12 (a) Except as otherwise provided in subdivisions (b) to (e),
13 the 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 (b) If the violation damages the property of another person,
16 the person is guilty of a felony punishable by imprisonment for not
17 more than 20 years or a fine of not more than \$15,000.00, or both.

18 (c) If the violation causes physical injury to another
19 individual, other than serious impairment of a body function, the
20 person is guilty of a felony punishable by imprisonment for not
21 more than 25 years or a fine of not more than \$20,000.00, or both.

22 (d) If the violation causes serious impairment of a body
23 function to another individual, the person is guilty of a felony
24 punishable by imprisonment for life or for any term of years or a
25 fine of not more than \$25,000.00, or both.

26 (e) Except as provided in ~~sections~~ **section** 25 and ~~25a~~ of
27 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
28 769.25, and ~~769.25a~~, if the violation causes the death of another
29 individual, the person is guilty of a felony and shall be

1 imprisoned for life without eligibility for parole and may be fined
2 not more than \$40,000.00, or both.

3 Sec. 209. (1) A person who places an offensive or injurious
4 substance or compound in or near to any real or personal property
5 with intent to wrongfully injure or coerce another person or to
6 injure the property or business of another person, or to interfere
7 with another person's use, management, conduct, or control of his
8 or her business or property is guilty of a crime as follows:

9 (a) Except as otherwise provided in subdivisions (b) to (e),
10 the person is guilty of a felony punishable by imprisonment for not
11 more than 15 years or a fine of not more than \$10,000.00, or both.

12 (b) If the violation damages the property of another person,
13 the person is guilty of a felony punishable by imprisonment for not
14 more than 20 years or a fine of not more than \$15,000.00, or both.

15 (c) If the violation causes physical injury to another
16 individual, other than serious impairment of a body function, the
17 person is guilty of a felony punishable by imprisonment for not
18 more than 25 years or a fine of not more than \$20,000.00, or both.

19 (d) If the violation causes serious impairment of a body
20 function to another individual, the person is guilty of a felony
21 punishable by imprisonment for life or for any term of years or a
22 fine of not more than \$25,000.00, or both.

23 (e) Except as provided in ~~sections~~ **section** 25 ~~and 25a~~ of
24 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
25 769.25, ~~and 769.25a~~, if the violation causes the death of another
26 individual, the person is guilty of a felony and shall be
27 imprisoned for life without eligibility for parole and may be fined
28 not more than \$40,000.00, or both.

29 (2) A person who places an offensive or injurious substance or

1 compound in or near to any real or personal property with the
2 intent to annoy or alarm any person is guilty of a felony
3 punishable by imprisonment for not more than 5 years or a fine of
4 not more than \$3,000.00, or both.

5 Sec. 210. (1) A person shall not carry or possess an explosive
6 or combustible substance or a substance or compound that when
7 combined with another substance or compound will become explosive
8 or combustible or an article containing an explosive or combustible
9 substance or a substance or compound that when combined with
10 another substance or compound will become explosive or combustible,
11 with the intent to frighten, terrorize, intimidate, threaten,
12 harass, injure, or kill any person, or with the intent to damage or
13 destroy any real or personal property without the permission of the
14 property owner or, if the property is public property, without the
15 permission of the governmental agency having authority over that
16 property.

17 (2) A person who violates subsection (1) is guilty of a crime
18 as follows:

19 (a) Except as provided in subdivisions (b) to (e), the person
20 is guilty of a felony punishable by imprisonment for not more than
21 15 years or a fine of not more than \$10,000.00, or both.

22 (b) If the violation damages the property of another person,
23 the person is guilty of a felony punishable by imprisonment for not
24 more than 20 years or a fine of not more than \$15,000.00, or both.

25 (c) If the violation causes physical injury to another
26 individual, other than serious impairment of a body function, the
27 person is guilty of a felony punishable by imprisonment for not
28 more than 25 years or a fine of not more than \$20,000.00, or both.

29 (d) If the violation causes serious impairment of a body

1 function to another individual, the person is guilty of a felony
2 punishable by imprisonment for life or for any term of years or a
3 fine of not more than \$25,000.00, or both.

4 (e) Except as provided in ~~sections~~ **section** 25 and 25a of
5 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
6 769.25, and ~~769.25a~~, if the violation causes the death of another
7 individual, the person is guilty of a felony and shall be
8 imprisoned for life without eligibility for parole and may be fined
9 not more than \$40,000.00, or both.

10 Sec. 211a. (1) A person shall not do either of the following:

11 (a) Except as provided in subdivision (b), manufacture, buy,
12 sell, furnish, or possess a Molotov cocktail or any similar device.

13 (b) Manufacture, buy, sell, furnish, or possess any device
14 that is designed to explode or that will explode upon impact or
15 with the application of heat or a flame or that is highly
16 incendiary, with the intent to frighten, terrorize, intimidate,
17 threaten, harass, injure, or kill any person, or with the intent to
18 damage or destroy any real or personal property without the
19 permission of the property owner or, if the property is public
20 property, without the permission of the governmental agency having
21 authority over that property.

22 (2) A person who violates subsection (1) is guilty of a crime
23 as follows:

24 (a) For a violation of subsection (1)(a), the person is guilty
25 of a felony punishable by imprisonment for not more than 4 years or
26 a fine of not more than \$2,000.00, or both.

27 (b) For a violation of subsection (1)(b) and except as
28 provided in subdivisions (c) to (f), the person is guilty of a
29 felony punishable by imprisonment for not more than 15 years or a

1 fine of not more than \$10,000.00, or both.

2 (c) If the violation damages the property of another person,
3 the person is guilty of a felony punishable by imprisonment for not
4 more than 20 years or a fine of not more than \$15,000.00, or both.

5 (d) If the violation causes physical injury to another
6 individual, other than serious impairment of a body function, the
7 person is guilty of a felony punishable by imprisonment for not
8 more than 25 years or a fine of not more than \$20,000.00, or both.

9 (e) If the violation causes serious impairment of a body
10 function to another individual, the person is guilty of a felony
11 punishable by imprisonment for life or any term of years or a fine
12 of not more than \$25,000.00, or both.

13 (f) Except as provided in ~~sections~~ **section** 25 ~~and 25a~~ of
14 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
15 769.25, ~~and 769.25a~~, if the violation causes the death of another
16 individual, the person is guilty of a felony and shall be
17 imprisoned for life without eligibility for parole and may be fined
18 not more than \$40,000.00, or both.

19 (3) As used in this section, "Molotov cocktail" means an
20 improvised incendiary device that is constructed from a bottle or
21 other container filled with a flammable or combustible material or
22 substance and that has a wick, fuse, or other device designed or
23 intended to ignite the contents of the device when it is thrown or
24 placed near a target.

25 Sec. 316. (1) Except as provided in ~~sections~~ **section** 25 ~~and~~
26 ~~25a~~ of chapter IX of the code of criminal procedure, 1927 PA 175,
27 MCL 769.25, ~~and 769.25a~~, a person who commits any of the following
28 is guilty of first degree murder and shall be punished by
29 imprisonment for life without eligibility for parole:

1 (a) Murder perpetrated by means of poison, lying in wait, or
2 any other willful, deliberate, and premeditated killing.

3 (b) Murder committed in the perpetration of, or attempt to
4 perpetrate, arson, criminal sexual conduct in the first, second, or
5 third degree, child abuse in the first degree, a major controlled
6 substance offense, robbery, carjacking, breaking and entering of a
7 dwelling, home invasion in the first or second degree, larceny of
8 any kind, extortion, kidnapping, vulnerable adult abuse in the
9 first or second degree under section 145n, torture under section
10 85, aggravated stalking under section 411i, or unlawful
11 imprisonment under section 349b.

12 (c) A murder of a peace officer or a corrections officer
13 committed while the peace officer or corrections officer is
14 lawfully engaged in the performance of any of his or her duties as
15 a peace officer or corrections officer, knowing that the peace
16 officer or corrections officer is a peace officer or corrections
17 officer engaged in the performance of his or her duty as a peace
18 officer or corrections officer.

19 (2) As used in this section:

20 (a) "Arson" means a felony violation of chapter X.

21 (b) "Corrections officer" means any of the following:

22 (i) A prison or jail guard or other prison or jail personnel.

23 (ii) Any of the personnel of a boot camp, special alternative
24 incarceration unit, or other minimum security correctional
25 facility.

26 (iii) A parole or probation officer.

27 (c) "Major controlled substance offense" means any of the
28 following:

29 (i) A violation of section 7401(2)(a)(i) to (iii) of the public

1 health code, 1978 PA 368, MCL 333.7401.

2 (ii) A violation of section 7403(2)(a)(i) to (iii) of the public
3 health code, 1978 PA 368, MCL 333.7403.

4 (iii) A conspiracy to commit an offense listed in subparagraph
5 (i) or (ii).

6 (d) "Peace officer" means any of the following:

7 (i) A police or conservation officer of this state or a
8 political subdivision of this state.

9 (ii) A police or conservation officer of the United States.

10 (iii) A police or conservation officer of another state or a
11 political subdivision of another state.

12 Sec. 436. (1) A person shall not do either of the following:

13 (a) Willfully mingle a poison or harmful substance with a
14 food, drink, nonprescription medicine, or pharmaceutical product,
15 or willfully place a poison or harmful substance in a spring, well,
16 reservoir, or public water supply, knowing or having reason to know
17 that the food, drink, nonprescription medicine, pharmaceutical
18 product, or water may be ingested or used by a person to his or her
19 injury.

20 (b) Maliciously inform another person that a poison or harmful
21 substance has been or will be placed in a food, drink,
22 nonprescription medicine, pharmaceutical product, spring, well,
23 reservoir, or public water supply, knowing that the information is
24 false and that it is likely that the information will be
25 disseminated to the public.

26 (2) A person who violates subsection (1)(a) is guilty of a
27 crime as follows:

28 (a) Except as provided in subdivisions (b) to (e), the person
29 is guilty of a felony punishable by imprisonment for not more than

1 15 years or a fine of not more than \$10,000.00, or both.

2 (b) If the violation damages the property of another person,
3 the person is guilty of a felony punishable by imprisonment for not
4 more than 20 years or a fine of not more than \$15,000.00, or both.

5 (c) If the violation causes physical injury to another
6 individual, other than serious impairment of a body function, the
7 person is guilty of a felony punishable by imprisonment for not
8 more than 25 years or a fine of not more than \$20,000.00, or both.

9 (d) If the violation causes serious impairment of a body
10 function to another individual, the person is guilty of a felony
11 punishable by imprisonment for life or any term of years or a fine
12 of not more than \$25,000.00, or both. As used in this subdivision,
13 "serious impairment of a body function" means that term as defined
14 in section 58c of the Michigan vehicle code, 1949 PA 300, MCL
15 257.58c.

16 (e) Except as provided in ~~sections~~ **section** 25 and ~~25a~~ of
17 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
18 769.25, and ~~769.25a~~, if the violation causes the death of another
19 individual, the person is guilty of a felony and shall be
20 imprisoned for life without eligibility for parole and may be fined
21 not more than \$40,000.00, or both.

22 (3) A person who violates subsection (1)(b) is guilty of a
23 crime as follows:

24 (a) Except as provided in subdivision (b), the person is
25 guilty of a felony punishable by imprisonment for not more than 4
26 years or a fine of not more than \$2,000.00, or both.

27 (b) If the person has previously been convicted of violating
28 subsection (1)(b), the person is guilty of a felony punishable by
29 imprisonment for not more than 10 years or a fine of not more than

1 \$5,000.00, or both.

2 (4) The court may order a term of imprisonment imposed for a
3 violation of this section to be served consecutively to a term of
4 imprisonment imposed for any other violation of law arising out of
5 the same transaction as the violation of this section.

6 (5) This section does not prohibit an individual from being
7 charged with, convicted of, or punished for any other violation of
8 law that is committed by that individual while violating this
9 section.

10 Sec. 543f. (1) A person is guilty of terrorism when that
11 person knowingly and with premeditation commits an act of
12 terrorism.

13 (2) Terrorism is a felony punishable by imprisonment for life
14 or any term of years or a fine of not more than \$100,000.00, or
15 both. However, except as provided in ~~sections~~ **section** 25 ~~and 25a~~ of
16 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
17 769.25, ~~and 769.25a~~, if death was caused by the terrorist act, the
18 person shall be punished by imprisonment for life without
19 eligibility for parole.

20 Enacting section 1. This amendatory act does not take effect
21 unless Senate Bill No. 825 of the 101st Legislature is enacted into
22 law.