

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 97

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 204a, 207, 209, and 210 (MCL 750.204a,
750.207, 750.209, and 750.210); and to repeal acts and parts of
acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 204a. (1) A person who, with the intent to terrorize,
2 frighten, intimidate, threaten, harass, ~~molest,~~ or annoy any
3 other person, DELIVERS, sends, ~~or~~ transports, OR PLACES a
4 device ~~which~~ THAT is ~~so~~ constructed ~~as~~ to represent AN
5 EXPLOSIVE, INCENDIARY DEVICE, OR BOMB, or THAT is presented as
6 ~~—~~ an explosive, incendiary device, or bomb, is guilty of a
7 felony PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A
8 FINE OF NOT MORE THAN \$3,000.00, OR BOTH.

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1 (2) An offense is committed under this section if the device
2 is DELIVERED OR sent from THIS STATE or IS TRANSPORTED, received,
3 OR PLACED in this state ~~—~~ and may be prosecuted in the juris-
4 diction from ~~where~~ WHICH it was DELIVERED OR sent or IN WHICH
5 IT WAS TRANSPORTED, received, OR PLACED.

6 Sec. 207. (1) ~~Placing explosives with intent to destroy~~
7 ~~and causing injury to any person--Any person who places in, upon,~~
8 ~~under, against or near to any building, car, vessel or structure,~~
9 ~~gunpowder or any other explosive substance, with intent to~~
10 ~~destroy, throw down, or injure the whole or any part thereof,~~
11 ~~which substance upon explosion shall cause injury to any person~~
12 ~~shall be guilty of a felony, punishable by imprisonment in the~~
13 ~~state prison for life. Such convicted person shall not be eligi-~~
14 ~~ble to parole.~~ A PERSON SHALL NOT PLACE AN EXPLOSIVE SUBSTANCE
15 IN OR NEAR ANY REAL OR PERSONAL PROPERTY WITH THE INTENT TO
16 FRIGHTEN, TERRORIZE, INTIMIDATE, THREATEN, HARASS, INJURE, OR
17 KILL ANY PERSON, OR WITH THE INTENT TO DAMAGE OR DESTROY ANY REAL
18 OR PERSONAL PROPERTY WITHOUT THE PERMISSION OF THE PROPERTY OWNER
19 OR, IF THE PROPERTY IS PUBLIC PROPERTY, WITHOUT THE PERMISSION OF
20 THE GOVERNMENTAL AGENCY HAVING AUTHORITY OVER THAT PROPERTY.

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

23 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) TO (E),
24 THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR
25 NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR
26 BOTH.

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1 (B) IF THE VIOLATION DAMAGES THE PROPERTY OF ANOTHER PERSON,
2 THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR
3 NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$15,000.00, OR
4 BOTH.

5 (C) IF THE VIOLATION CAUSES PHYSICAL INJURY TO ANOTHER INDI-
6 VIDUAL, 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
9 BOTH.

10 (D) IF THE VIOLATION CAUSES SERIOUS IMPAIRMENT OF A BODY
11 FUNCTION TO ANOTHER INDIVIDUAL, THE PERSON IS GUILTY OF A FELONY
12 PUNISHABLE BY IMPRISONMENT FOR LIFE OR FOR ANY TERM OF YEARS OR A
13 FINE OF NOT MORE THAN \$25,000.00, OR BOTH. AS USED IN THIS SUB-
14 DIVISION, "SERIOUS IMPAIRMENT OF A BODY FUNCTION" INCLUDES, BUT
15 IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

16 (i) LOSS OF A LIMB OR USE OF A LIMB.

17 (ii) LOSS OF A HAND, FOOT, FINGER, OR THUMB OR USE OF A
18 HAND, FOOT, FINGER, OR THUMB.

19 (iii) LOSS OF AN EYE OR EAR OR USE OF AN EYE OR EAR.

20 (iv) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

21 (v) SERIOUS VISIBLE DISFIGUREMENT.

22 (vi) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

23 (vii) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

24 (viii) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

25 (ix) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.

26 (E) IF THE VIOLATION CAUSES THE DEATH OF ANOTHER INDIVIDUAL,
27 THE PERSON IS GUILTY OF A FELONY AND SHALL BE IMPRISONED FOR LIFE

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1 WITHOUT ELIGIBILITY FOR PAROLE AND MAY BE FINED NOT MORE THAN
2 \$40,000.00, OR BOTH.

3 Sec. 209. (1) ~~Any~~ A person who ~~shall place in, upon,~~
4 ~~under, against or near to any building, underground utility~~
5 ~~facilities, car, motor vehicle, vessel or structure, any foul,~~
6 ~~offensive, or injurious substance or compound, including those~~
7 ~~sulphur compounds or other substance commonly added to natural~~
8 ~~gas for the purpose of creating a distinctive odor associated~~
9 ~~with gas,~~ PLACES AN OFFENSIVE OR INJURIOUS SUBSTANCE OR COMPOUND
10 IN OR NEAR TO ANY REAL OR PERSONAL PROPERTY with intent to wrong-
11 fully injure ~~, molest~~ or coerce another ~~,~~ PERSON or to injure
12 the property or business of another PERSON, or to ~~molest~~
13 INTERFERE WITH another ~~in the~~ PERSON'S use, management,
14 conduct, or control of his OR HER business or property ~~, shall~~
15 ~~be~~ IS guilty of a CRIME AS FOLLOWS:

16 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) TO (E),
17 THE PERSON IS GUILTY OF A felony ~~,~~ punishable by imprisonment
18 ~~in the state prison~~ FOR not more than 15 years OR A FINE OF NOT
19 MORE THAN \$10,000.00, OR BOTH. ~~Any~~

20 (B) IF THE VIOLATION DAMAGES THE PROPERTY OF ANOTHER PERSON,
21 THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR
22 NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$15,000.00, OR
23 BOTH.

24 (C) IF THE VIOLATION CAUSES PHYSICAL INJURY TO ANOTHER INDI-
25 VIDUAL, OTHER THAN SERIOUS IMPAIRMENT OF A BODY FUNCTION, THE
26 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT

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1 MORE THAN 25 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR
2 BOTH.

3 (D) IF THE VIOLATION CAUSES SERIOUS IMPAIRMENT OF A BODY
4 FUNCTION TO ANOTHER INDIVIDUAL, THE PERSON IS GUILTY OF A FELONY
5 PUNISHABLE BY IMPRISONMENT FOR LIFE OR FOR ANY TERM OF YEARS OR A
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11 HAND, FOOT, FINGER, OR THUMB.

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13 (iv) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.

14 (v) SERIOUS VISIBLE DISFIGUREMENT.

15 (vi) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

16 (vii) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

17 (viii) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

18 (ix) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.

19 (E) IF THE VIOLATION CAUSES THE DEATH OF ANOTHER INDIVIDUAL,
20 THE PERSON IS GUILTY OF A FELONY AND SHALL BE IMPRISONED FOR LIFE
21 WITHOUT ELIGIBILITY FOR PAROLE AND MAY BE FINED NOT MORE THAN
22 \$40,000.00, OR BOTH.

23 (2) A person who ~~shall place~~ PLACES AN OFFENSIVE OR INJU-
24 RIOUS SUBSTANCE OR COMPOUND in ~~, upon, under, against~~ or near
25 to any ~~building, underground utility facilities, car, motor~~
26 ~~vehicle, vessel or structure, any foul, offensive or injurious~~
27 ~~substance or compound, including those sulphur compounds or other~~

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1 ~~substance commonly added to natural gas for the purpose of~~
2 ~~creating a distinctive odor associated with gas~~ REAL OR PERSONAL
3 PROPERTY with THE intent to ANNOY OR alarm any person ~~or persons~~
4 ~~shall be~~ IS guilty of a felony PUNISHABLE BY IMPRISONMENT FOR
5 NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$3,000.00, OR
6 BOTH.

7 Sec. 210. (1) ~~Possession of bombs with intent to use~~
8 ~~unlawfully--Any~~ A person ~~who carries or possesses a bomb or~~
9 ~~bombshell or any~~ SHALL NOT CARRY OR POSSESS AN EXPLOSIVE OR COM-
10 BUSTIBLE SUBSTANCE OR A SUBSTANCE OR COMPOUND THAT WHEN COMBINED
11 WITH ANOTHER SUBSTANCE OR COMPOUND WILL BECOME EXPLOSIVE OR COM-
12 BUSTIBLE OR AN article containing an explosive or combustible
13 ~~substance or foul, offensive or injurious substance or compound~~
14 OR A SUBSTANCE OR COMPOUND THAT WHEN COMBINED WITH ANOTHER SUB-
15 STANCE OR COMPOUND WILL BECOME EXPLOSIVE OR COMBUSTIBLE, [with
16 ~~intent to use the same unlawfully against the person or property~~
17 ~~of other, shall be guilty of a felony, punishable by imprisonment~~
18 ~~in the state prison for not less than 2 nor more than 5 years~~
19] WITH THE INTENT TO FRIGHTEN,
20 TERRORIZE, INTIMIDATE, THREATEN, HARASS, INJURE, OR KILL ANY
21 PERSON, OR WITH THE INTENT TO DAMAGE OR DESTROY ANY REAL OR PER-
22 SONAL PROPERTY WITHOUT THE PERMISSION OF THE PROPERTY OWNER OR,
23 IF THE PROPERTY IS PUBLIC PROPERTY, WITHOUT THE PERMISSION OF THE
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6 WITHOUT ELIGIBILITY FOR PAROLE AND MAY BE FINED NOT MORE THAN
7 \$40,000.00, OR BOTH.

8 Enacting section 1. Sections 205, 205a, 206, 208, and 211
9 of the Michigan penal code, 1931 PA 328, MCL 750.205, 750.205a,
10 750.206, 750.208, and 750.211, are repealed.

11 Enacting section 2. This amendatory act takes effect [July
12 1, 1998]

13 Enacting section 3. This amendatory act does not take
14 effect unless House Bill No. 4289 of the 89th Legislature is
15 enacted into law.