

# HOUSE BILL No. 6414

September 5, 2006, Introduced by Reps. Hildenbrand, Schuitmaker, Gosselin, Pearce, Drolet and Garfield and referred to the Committee on Government Operations.

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~~  
3 sections 243a to 243d, or ~~who~~ **THAT** violates the terms of ~~any~~ A  
4 permit issued ~~thereunder~~ **UNDER SECTIONS 243A TO 243D**, is guilty  
5 of a misdemeanor.

6           (2) **A PERSON, FIRM, COPARTNERSHIP, OR CORPORATION THAT USES,**  
7 **EXPLODES, OR CAUSES TO EXPLODE A FIREWORK DESCRIBED UNDER SECTION**  
8 **243A(2) IN VIOLATION OF SUBSECTION (1) AND AS A DIRECT RESULT OF**  
9 **THE USE OR EXPLOSION CAUSES PROPERTY DAMAGE OR INJURY, SERIOUS**

1 IMPAIRMENT OF A BODY FUNCTION, OR THE DEATH OF ANOTHER IS GUILTY OF  
2 A CRIME AS FOLLOWS:

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

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

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

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

17 (3) A CRIMINAL PENALTY PROVIDED FOR UNDER SUBSECTION (2) MAY  
18 BE 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 (4) AS USED IN THIS SECTION, "SERIOUS IMPAIRMENT OF A BODY  
22 FUNCTION" MEANS THAT TERM AS DEFINED IN SECTION 58C OF THE MICHIGAN  
23 VEHICLE CODE, 1949 PA 300, MCL 257.58C.