

# HOUSE BILL No. 6017

November 8, 2012, Introduced by Reps. Meadows and Haveman and referred to the Committee on Judiciary.

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, 520b, and 543f (MCL 750.16, 750.18, 750.200i, 750.204, 750.207, 750.209, 750.210, 750.211a, 750.316, 750.436, 750.520b, and 750.543f), sections 16 and 18 as amended by 2004 PA 213, sections 200i, 204, 207, 209, and 210 as amended by 2003 PA 257, section 211a as amended by 2004 PA 523, section 316 as amended by 2006 PA 415, section 436 as amended by 2002 PA 135, section 520b as amended by 2007 PA 163, and section 543f as added by 2002 PA 113.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 16. (1) Except as otherwise provided in this section, a  
2 person who knowingly or recklessly commits any of the following  
3 actions is guilty of a felony punishable by imprisonment for not

1 more than 2 years or a fine of not more than \$1,000.00, or both:

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

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

8 (2) A person who ~~violates~~ **COMMITTS A VIOLATION OF** subsection  
9 (1) ~~, which violation~~ **THAT** results in personal injury ~~,~~ is guilty  
10 of a felony punishable by imprisonment for not more than 4 years or  
11 a fine of not more than \$4,000.00, or both.

12 (3) A person who ~~violates~~ **COMMITTS A VIOLATION OF** subsection  
13 (1) ~~, which violation~~ **THAT** results in serious impairment of a body  
14 function ~~,~~ is guilty of a felony punishable by imprisonment for not  
15 more than 5 years or a fine of not more than \$5,000.00, or both.

16 (4) A person who ~~violates~~ **COMMITTS A VIOLATION OF** subsection  
17 (1) ~~, which violation~~ **THAT** results in death ~~,~~ is guilty of a felony  
18 punishable by imprisonment for not more than 15 years or a fine of  
19 not more than \$20,000.00, or both.

20 (5) ~~A~~ **EXCEPT AS PROVIDED IN SECTION 1M OF CHAPTER IX OF THE**  
21 **CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1M,** A person who  
22 ~~violates~~ **COMMITTS A VIOLATION OF** subsection (1) with the intent to  
23 kill or to cause serious impairment of a body function of 2 or more  
24 individuals ~~, which violation~~ **THAT** results in death ~~,~~ is guilty of  
25 a felony punishable by imprisonment for life without possibility of  
26 parole or life without possibility of parole and a fine of not more  
27 than \$40,000.00. It is not a defense to a charge under this

1 subsection that the person did not intend to kill a specific  
2 individual or did not intend to cause serious impairment of a body  
3 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 ~~violates~~ **COMMITTS A VIOLATION OF** subsection  
26 (1) or (2) ~~, which violation~~ **THAT** results in personal injury ~~is~~  
27 guilty of a felony punishable by imprisonment for not more than 4

1 years or a fine of not more than \$4,000.00, or both.

2 (5) A person who ~~violates~~ **COMMITTS A VIOLATION OF** subsection  
3 (1) or (2) ~~, which violation~~ **THAT** results in serious impairment of  
4 a body function ~~,~~ is guilty of a felony punishable by imprisonment  
5 for not more than 5 years or a fine of not more than \$5,000.00, or  
6 both.

7 (6) A person who ~~violates~~ **COMMITTS A VIOLATION OF** subsection  
8 (1) or (2) ~~, which violation~~ **THAT** results in death ~~,~~ is guilty of a  
9 felony punishable by imprisonment for not more than 15 years or a  
10 fine of not more than \$20,000.00, or both.

11 (7) ~~A~~ **EXCEPT AS PROVIDED IN SECTION 1M OF CHAPTER IX OF THE**  
12 **CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1M,** A person who  
13 ~~violates~~ **COMMITTS A VIOLATION OF** subsection (1) or (2) with the  
14 intent to kill or to cause serious impairment of a body function of  
15 2 or more individuals ~~,~~ ~~which violation~~ **THAT** results in death ~~,~~ is  
16 guilty of a felony punishable by imprisonment for life without  
17 possibility of parole or life without possibility of parole and a  
18 fine of not more than \$40,000.00. It is not a defense to a charge  
19 under this subsection that the person did not intend to kill a  
20 specific individual or did not intend to cause serious impairment  
21 of a body function of 2 or more specific individuals.

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

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

1 section.

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

5           (a) A harmful biological substance or a harmful biological  
6 device.

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

8           (c) A harmful radioactive material or a harmful radioactive  
9 device.

10           (d) A harmful electronic or electromagnetic device.

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

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

16           (b) If the violation directly or indirectly results in  
17 property damage, the person is guilty of a felony punishable by  
18 imprisonment for not more than 20 years or a fine of not more than  
19 \$15,000.00, or both.

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

25           (d) If the violation directly or indirectly results in serious  
26 impairment of a body function to another individual, the person is  
27 guilty of a felony punishable by imprisonment for life or any term

1 of years or a fine of not more than \$25,000.00, or both.

2 (e) ~~If~~ **EXCEPT AS PROVIDED IN SECTION 1M OF CHAPTER IX OF THE**  
3 **CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1M, IF** the  
4 violation directly or indirectly results in the death of another  
5 individual, the person is guilty of a felony and shall be punished  
6 by imprisonment for life without eligibility for parole and may be  
7 fined not more than \$40,000.00, or both.

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

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

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

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

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

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

5 (e) ~~If~~ **EXCEPT AS PROVIDED IN SECTION 1M OF CHAPTER IX OF THE**  
6 **CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1M, IF** the  
7 violation causes the death of another individual, the person is  
8 guilty of a felony and shall be imprisoned for life without  
9 eligibility for parole and may be fined not more than \$40,000.00,  
10 or both.

11 Sec. 207. (1) A person shall not place an explosive substance  
12 in or near any real or personal property with the intent to  
13 frighten, terrorize, intimidate, threaten, harass, injure, or kill  
14 any person, or with the intent to damage or destroy any real or  
15 personal property without the permission of the property owner or,  
16 if the property is public property, without the permission of the  
17 governmental agency having authority over that property.

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

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

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

26 (c) If the violation causes physical injury to another  
27 individual, other than serious impairment of a body function, the

1 person is guilty of a felony punishable by imprisonment for not  
2 more than 25 years or a fine of not more than \$20,000.00, or 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  
6 fine of not more than \$25,000.00, or both.

7 (e) ~~IF~~ **EXCEPT AS PROVIDED IN SECTION 1M OF CHAPTER IX OF THE**  
8 **CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1M, IF** the  
9 violation causes the death of another individual, the person is  
10 guilty of a felony and shall be imprisoned for life without  
11 eligibility for parole and may be fined not more than \$40,000.00,  
12 or both.

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

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



1 more than 25 years or a fine of not more than \$20,000.00, or both.

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

6 (e) ~~If~~ **EXCEPT AS PROVIDED IN SECTION 1M OF CHAPTER IX OF THE**  
7 **CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1M, IF** the  
8 violation causes the death of another individual, the person is  
9 guilty of a felony and shall be imprisoned for life without  
10 eligibility for parole and may be fined not more than \$40,000.00,  
11 or both.

12 (2) A person who places an offensive or injurious substance or  
13 compound in or near to any real or personal property with the  
14 intent to annoy or alarm any person is guilty of a felony  
15 punishable by imprisonment for not more than 5 years or a fine of  
16 not more than \$3,000.00, or both.

17 Sec. 210. (1) A person shall not carry or possess an explosive  
18 or combustible substance or a substance or compound that when  
19 combined with another substance or compound will become explosive  
20 or combustible or an article containing an explosive or combustible  
21 substance or a substance or compound that when combined with  
22 another substance or compound will become explosive or combustible,  
23 with the intent to frighten, terrorize, intimidate, threaten,  
24 harass, injure, or kill any person, or with the intent to damage or  
25 destroy any real or personal property without the permission of the  
26 property owner or, if the property is public property, without the  
27 permission of the governmental agency having authority over that

1 property.

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

4 (a) Except as provided in subdivisions (b) to (e), the person  
5 is guilty of a felony punishable by imprisonment for not more than  
6 15 years or a fine of not more than \$10,000.00, or both.

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

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

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

18 (e) ~~If~~ **EXCEPT AS PROVIDED IN SECTION 1M OF CHAPTER IX OF THE**  
19 **CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1M, IF** the  
20 violation causes the death of another individual, the person is  
21 guilty of a felony and shall be imprisoned for life without  
22 eligibility for parole and may be fined not more than \$40,000.00,  
23 or both.

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

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

27 (b) Manufacture, buy, sell, furnish, or possess any device

1 that is designed to explode or that will explode upon impact or  
2 with the application of heat or a flame or that is highly  
3 incendiary, with the intent to frighten, terrorize, intimidate,  
4 threaten, harass, injure, or kill any person, or with the intent to  
5 damage or destroy any real or personal property without the  
6 permission of the property owner or, if the property is public  
7 property, without the permission of the governmental agency having  
8 authority over that property.

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

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

14 (b) For a violation of subsection (1)(b) and except as  
15 provided in subdivisions (c) to (f), the person is guilty of a  
16 felony punishable by imprisonment for not more than 15 years or a  
17 fine of not more than \$10,000.00, or both.

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

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

25 (e) If the violation causes serious impairment of a body  
26 function to another individual, the person is guilty of a felony  
27 punishable by imprisonment for life or any term of years or a fine

1 of not more than \$25,000.00, or both.

2 (f) ~~If~~ **EXCEPT AS PROVIDED IN SECTION 1M OF CHAPTER IX OF THE**  
3 **CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1M, IF** the  
4 violation causes the death of another individual, the person is  
5 guilty of a felony and shall be imprisoned for life without  
6 eligibility for parole and may be fined not more than \$40,000.00,  
7 or both.

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

14 Sec. 316. (1) ~~A~~ **EXCEPT AS PROVIDED IN SECTION 1M OF CHAPTER IX**  
15 **OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1M, A**  
16 person who commits any of the following is guilty of first degree  
17 murder and shall be punished by imprisonment for life **WITHOUT**  
18 **ELIGIBILITY FOR PAROLE:**

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

21 (b) Murder committed in the perpetration of, or attempt to  
22 perpetrate, arson, criminal sexual conduct in the first, second, or  
23 third degree, child abuse in the first degree, a major controlled  
24 substance offense, robbery, carjacking, breaking and entering of a  
25 dwelling, home invasion in the first or second degree, larceny of  
26 any kind, extortion, kidnapping, vulnerable adult abuse in the  
27 first and second degree under section 145n, torture under section

1 85, or aggravated stalking under section 411i.

2 (c) A murder of a peace officer or a corrections officer  
3 committed while the peace officer or corrections officer is  
4 lawfully engaged in the performance of any of his or her duties as  
5 a peace officer or corrections officer, knowing that the peace  
6 officer or corrections officer is a peace officer or corrections  
7 officer engaged in the performance of his or her duty as a peace  
8 officer or corrections officer.

9 (2) As used in this section:

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

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

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

13 (ii) Any of the personnel of a boot camp, special alternative  
14 incarceration unit, or other minimum security correctional  
15 facility.

16 (iii) A parole or probation officer.

17 (c) "Major controlled substance offense" means any of the  
18 following:

19 (i) A violation of section 7401(2)(a)(i) to (iii) of the public  
20 health code, 1978 PA 368, MCL 333.7401.

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

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

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

26 (i) A police or conservation officer of this state or a  
27 political subdivision of this state.

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

2 (iii) A police or conservation officer of another state or a  
3 political subdivision of another state.

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

5 (a) Willfully mingle a poison or harmful substance with a  
6 food, drink, nonprescription medicine, or pharmaceutical product,  
7 or willfully place a poison or harmful substance in a spring, well,  
8 reservoir, or public water supply, knowing or having reason to know  
9 that the food, drink, nonprescription medicine, pharmaceutical  
10 product, or water may be ingested or used by a person to his or her  
11 injury.

12 (b) Maliciously inform another person that a poison or harmful  
13 substance has been or will be placed in a food, drink,  
14 nonprescription medicine, pharmaceutical product, spring, well,  
15 reservoir, or public water supply, knowing that the information is  
16 false and that it is likely that the information will be  
17 disseminated to the public.

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

20 (a) Except as provided in subdivisions (b) to (e), the person  
21 is guilty of a felony punishable by imprisonment for not more than  
22 15 years or a fine of not more than \$10,000.00, or both.

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

26 (c) If the violation causes physical injury to another  
27 individual, other than serious impairment of a body function, the

1 person is guilty of a felony punishable by imprisonment for not  
2 more than 25 years or a fine of not more than \$20,000.00, or 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 any term of years or a fine  
6 of not more than \$25,000.00, or both. As used in this subdivision,  
7 "serious impairment of a body function" means that term as defined  
8 in section 58c of the Michigan vehicle code, 1949 PA 300, MCL  
9 257.58c.

10 (e) ~~IF~~ EXCEPT AS PROVIDED IN SECTION 1M OF CHAPTER IX OF THE  
11 CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1M, IF the  
12 violation causes the death of another individual, the person is  
13 guilty of a felony and shall be imprisoned for life without  
14 eligibility for parole and may be fined not more than \$40,000.00,  
15 or both.

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

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

21 (b) If the person has previously been convicted of violating  
22 subsection (1)(b), the person is guilty of a felony punishable by  
23 imprisonment for not more than 10 years or a fine of not more than  
24 \$5,000.00, or both.

25 (4) The court may order a term of imprisonment imposed for a  
26 violation of this section to be served consecutively to a term of  
27 imprisonment imposed for any other violation of law arising out of

1 the same transaction as the violation of this section.

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

6 Sec. 520b. (1) A person is guilty of criminal sexual conduct  
7 in the first degree if he or she engages in sexual penetration with  
8 another person and if any of the following circumstances exists:

9 (a) That other person is under 13 years of age.

10 (b) That other person is at least 13 but less than 16 years of  
11 age and any of the following:

12 (i) The actor is a member of the same household as the victim.

13 (ii) The actor is related to the victim by blood or affinity to  
14 the fourth degree.

15 (iii) The actor is in a position of authority over the victim  
16 and used this authority to coerce the victim to submit.

17 (iv) The actor is a teacher, substitute teacher, or  
18 administrator of the public school, nonpublic school, school  
19 district, or intermediate school district in which that other  
20 person is enrolled.

21 (v) The actor is an employee or a contractual service provider  
22 of the public school, nonpublic school, school district, or  
23 intermediate school district in which that other person is  
24 enrolled, or is a volunteer who is not a student in any public  
25 school or nonpublic school, or is an employee of this state or of a  
26 local unit of government of this state or of the United States  
27 assigned to provide any service to that public school, nonpublic



1 school, school district, or intermediate school district, and the  
2 actor uses his or her employee, contractual, or volunteer status to  
3 gain access to, or to establish a relationship with, that other  
4 person.

5 (c) Sexual penetration occurs under circumstances involving  
6 the commission of any other felony.

7 (d) The actor is aided or abetted by 1 or more other persons  
8 and either of the following circumstances exists:

9 (i) The actor knows or has reason to know that the victim is  
10 mentally incapable, mentally incapacitated, or physically helpless.

11 (ii) The actor uses force or coercion to accomplish the sexual  
12 penetration. Force or coercion includes, but is not limited to, any  
13 of the circumstances listed in subdivision (f).

14 (e) The actor is armed with a weapon or any article used or  
15 fashioned in a manner to lead the victim to reasonably believe it  
16 to be a weapon.

17 (f) The actor causes personal injury to the victim and force  
18 or coercion is used to accomplish sexual penetration. Force or  
19 coercion includes, but is not limited to, any of the following  
20 circumstances:

21 (i) When the actor overcomes the victim through the actual  
22 application of physical force or physical violence.

23 (ii) When the actor coerces the victim to submit by threatening  
24 to use force or violence on the victim, and the victim believes  
25 that the actor has the present ability to execute these threats.

26 (iii) When the actor coerces the victim to submit by threatening  
27 to retaliate in the future against the victim, or any other person,

1 and the victim believes that the actor has the ability to execute  
2 this threat. As used in this subdivision, "to retaliate" includes  
3 threats of physical punishment, kidnapping, or extortion.

4 (iv) When the actor engages in the medical treatment or  
5 examination of the victim in a manner or for purposes that are  
6 medically recognized as unethical or unacceptable.

7 (v) When the actor, through concealment or by the element of  
8 surprise, is able to overcome the victim.

9 (g) The actor causes personal injury to the victim, and the  
10 actor knows or has reason to know that the victim is mentally  
11 incapable, mentally incapacitated, or physically helpless.

12 (h) That other person is mentally incapable, mentally  
13 disabled, mentally incapacitated, or physically helpless, and any  
14 of the following:

15 (i) The actor is related to the victim by blood or affinity to  
16 the fourth degree.

17 (ii) The actor is in a position of authority over the victim  
18 and used this authority to coerce the victim to submit.

19 (2) Criminal sexual conduct in the first degree is a felony  
20 punishable as follows:

21 (a) Except as provided in subdivisions (b) and (c), by  
22 imprisonment for life or for any term of years.

23 (b) For a violation that is committed by an individual 17  
24 years of age or older against an individual less than 13 years of  
25 age by imprisonment for life or any term of years, but not less  
26 than 25 years.

27 (c) For a violation that is committed by an individual ~~17~~**18**

1 years of age or older against an individual less than 13 years of  
2 age, by imprisonment for life without the possibility of parole if  
3 the person was previously convicted of a violation of this section  
4 or section 520c, 520d, 520e, or 520g committed against an  
5 individual less than 13 years of age or a violation of law of the  
6 United States, another state or political subdivision substantially  
7 corresponding to a violation of this section or section 520c, 520d,  
8 520e, or 520g committed against an individual less than 13 years of  
9 age.

10 (d) In addition to any other penalty imposed under subdivision  
11 (a) or (b), the court shall sentence the defendant to lifetime  
12 electronic monitoring under section 520n.

13 (3) The court may order a term of imprisonment imposed under  
14 this section to be served consecutively to any term of imprisonment  
15 imposed for any other criminal offense arising from the same  
16 transaction.

17 Sec. 543f. (1) A person is guilty of terrorism when that  
18 person knowingly and with premeditation commits an act of  
19 terrorism.

20 (2) Terrorism is a felony punishable by imprisonment for life  
21 or any term of years or a fine of not more than \$100,000.00, or  
22 both. However, **EXCEPT AS PROVIDED IN SECTION 1M OF CHAPTER IX OF**  
23 **THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1M**, if death  
24 was caused by the terrorist act, the person shall be punished by  
25 imprisonment for life without eligibility for parole.