

**SUBSTITUTE FOR
HOUSE BILL NO. 4162**

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, 18, 200i, 204, 207, 209, 210, 211a,
436, 520b, and 543f as amended by 2014 PA 23 and section 316 as
amended by 2022 PA 149, and by adding section 506b.

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



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

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

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

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

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

19 (5) Except as provided ~~in sections 25 and 25a of chapter IX of~~
20 ~~the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a~~
21 **for a person who was less than 19 years of age at the time of the**
22 **violation,** a person who commits a violation of subsection (1) with
23 the intent to kill or to cause serious impairment of a body
24 function of 2 or more individuals that results in death is guilty
25 of a felony punishable by imprisonment for life without possibility
26 of parole or life without possibility of parole and a fine of not
27 more than \$40,000.00. It is not a defense to a charge under this
28 subsection that the person did not intend to kill a specific
29 individual or did not intend to cause serious impairment of a body



1 function of 2 or more specific individuals. **If the violation of**
2 **subsection (1) was committed by a person who was less than 19 years**
3 **of age at the time of the violation and with the intent to kill or**
4 **to cause serious impairment of a body function of 2 or more**
5 **individuals and the violation results in death, the person is**
6 **guilty of a felony and shall be punished by imprisonment with a**
7 **minimum term of not less than 20 years and maximum term of not more**
8 **than 60 years and a fine of not more than \$40,000.00.**

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

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

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

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

26 (3) Except as otherwise provided in this section, a person who
27 violates subsection (1) or (2) is guilty of a felony punishable by
28 imprisonment for not more than 2 years or a fine of not more than
29 \$1,000.00, or both.



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

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

9 (6) A person who commits a violation of subsection (1) or (2)
10 that results in death is guilty of a felony punishable by
11 imprisonment for not more than 15 years or a fine of not more than
12 \$20,000.00, or both.

13 (7) Except as provided ~~in sections 25 and 25a of chapter IX of~~
14 ~~the code of criminal procedure, 1927 PA 175, MCL 769.25 and~~
15 ~~769.25a,~~ **for a person who was less than 19 years of age at the time**
16 **of the violation,** a person who commits a violation of subsection
17 (1) or (2) with the intent to kill or to cause serious impairment
18 of a body function of 2 or more individuals that results in death
19 is guilty of a felony punishable by imprisonment for life without
20 possibility of parole or life without possibility of parole and a
21 fine of not more than \$40,000.00. It is not a defense to a charge
22 under this subsection that the person did not intend to kill a
23 specific individual or did not intend to cause serious impairment
24 of a body function of 2 or more specific individuals. **If the**
25 **violation of subsection (1) or (2) was committed by a person who**
26 **was less than 19 years of age at the time of the violation and with**
27 **the intent to kill or to cause serious impairment of a body**
28 **function of 2 or more individuals and the violation results in**
29 **death, the person is guilty of a felony and shall be punished by**



1 imprisonment with a minimum term of not less than 20 years and
2 maximum term of not more than 60 years and a fine of not more than
3 \$40,000.00.

4 (8) 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 (9) 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. 200i. (1) A person shall not manufacture, deliver,
12 possess, transport, place, use, or release any of the following for
13 an unlawful purpose:

14 (a) A harmful biological substance or a harmful biological
15 device.

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

17 (c) A harmful radioactive material or a harmful radioactive
18 device.

19 (d) A harmful electronic or electromagnetic device.

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

22 (a) Except as provided in subdivisions (b) to (e), the person
23 is guilty of a felony punishable by imprisonment for not more than
24 15 years or a fine of not more than \$10,000.00, or both.

25 (b) If the violation directly or indirectly results in
26 property damage, the person is guilty of a felony punishable by
27 imprisonment for not more than 20 years or a fine of not more than
28 \$15,000.00, or both.

29 (c) If the violation directly or indirectly results in



1 personal injury to another individual other than serious impairment
2 of a body function or death, the person is guilty of a felony
3 punishable by imprisonment for not more than 25 years or a fine of
4 not more than \$20,000.00, or both.

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

9 (e) Except as provided ~~in sections 25 and 25a of chapter IX of~~
10 ~~the code of criminal procedure, 1927 PA 175, MCL 769.25 and~~
11 ~~769.25a,~~ **for a person who was less than 19 years of age at the time**
12 **of the violation,** if the violation directly or indirectly results
13 in the death of another individual, the person is guilty of a
14 felony and shall be punished by imprisonment for life without
15 eligibility for parole and may be fined not more than \$40,000.00. ~~7~~
16 ~~or both.~~ **If the violation was committed by a person who was less**
17 **than 19 years of age at the time of the violation and the violation**
18 **directly or indirectly results in the death of another individual,**
19 **the person is guilty of a felony and shall be punished by**
20 **imprisonment with a minimum term of not less than 20 years and**
21 **maximum term of not more than 60 years and may be fined not more**
22 **than \$40,000.00.**

23 Sec. 204. (1) A person shall not send or deliver to another
24 person or cause to be taken or received by any person any kind of
25 explosive substance or any other dangerous thing with the intent to
26 frighten, terrorize, intimidate, threaten, harass, injure, or kill
27 any person, or with the intent to damage or destroy any real or
28 personal property without the permission of the property owner or,
29 if the property is public property, without the permission of the



1 governmental agency having authority over that property.

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

4 (a) Except as otherwise provided in subdivisions (b) to (e),
5 the person is guilty of a felony punishable by imprisonment for not
6 more than 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 any term of years or a fine
17 of not more than \$25,000.00, or both.

18 (e) Except as provided ~~in sections 25 and 25a of chapter IX of~~
19 ~~the code of criminal procedure, 1927 PA 175, MCL 769.25 and~~
20 ~~769.25a,~~ **for a person who was less than 19 years of age at the time**
21 **of the violation,** if the violation causes the death of another
22 individual, the person is guilty of a felony and shall be
23 imprisoned for life without eligibility for parole and may be fined
24 not more than \$40,000.00. ~~, or both.~~ **If the violation was committed**
25 **by a person who was less than 19 years of age at the time of the**
26 **violation and the violation causes the death of another individual,**
27 **the person is guilty of a felony and shall be punished by**
28 **imprisonment with a minimum term of not less than 20 years and**
29 **maximum term of not more than 60 years and may be fined not more**



1 **than \$40,000.00.**

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

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

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

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

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

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

25 (e) Except as provided ~~in sections 25 and 25a of chapter IX of~~
26 ~~the code of criminal procedure, 1927 PA 175, MCL 769.25 and~~
27 ~~769.25a,~~ **for a person who was less than 19 years of age at the time**
28 **of the violation,** 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. ~~7 or both.~~ **If the violation was committed**
 3 **by a person who was less than 19 years of age at the time of the**
 4 **violation and causes the death of another individual, the person is**
 5 **guilty of a felony and shall be punished by imprisonment with a**
 6 **minimum term of not less than 20 years and maximum term of not more**
 7 **than 60 years and may be fined not more than \$40,000.00.**

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

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

18 (b) 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 (c) 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 (d) 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 for any term of years or a
 28 fine of not more than \$25,000.00, or both.

29 (e) Except as provided ~~in sections 25 and 25a of chapter IX of~~



1 ~~the code of criminal procedure, 1927 PA 175, MCL 769.25 and~~
 2 ~~769.25a, for a person who was less than 19 years of age at the time~~
 3 **of the violation**, if the violation causes the death of another
 4 individual, the person is guilty of a felony and shall be
 5 imprisoned for life without eligibility for parole and may be fined
 6 not more than \$40,000.00. ~~, or both.~~**If the violation was committed**
 7 **by a person who was less than 19 years of age at the time of the**
 8 **violation and causes the death of another individual, the person is**
 9 **guilty of a felony and shall be punished by imprisonment with a**
 10 **minimum term of not less than 20 years and maximum term of not more**
 11 **than 60 years and may be fined not more than \$40,000.00.**

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
 28 property.

29 (2) A person who violates subsection (1) is guilty of a crime



1 as follows:

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

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

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

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

16 (e) Except as provided ~~in sections 25 and 25a of chapter IX of~~
17 ~~the code of criminal procedure, 1927 PA 175, MCL 769.25 and~~
18 ~~769.25a,~~ **for a person who was less than 19 years of age at the time**
19 **of the violation,** if the violation causes the death of another
20 individual, the person is guilty of a felony and shall be
21 imprisoned for life without eligibility for parole and may be fined
22 not more than \$40,000.00. ~~or both.~~ **If the violation was committed**
23 **by a person who was less than 19 years of age at the time of the**
24 **violation and causes the death of another individual, the person is**
25 **guilty of a felony and shall be punished by imprisonment with a**
26 **minimum term of not less than 20 years and maximum term of not more**
27 **than 60 years and may be fined not more than \$40,000.00.**

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

29 (a) Except as provided in subdivision (b), manufacture, buy,



1 sell, furnish, or possess a Molotov cocktail or any similar device.

2 (b) Manufacture, buy, sell, furnish, or possess any device
3 that is designed to explode or that will explode ~~upon~~ **on** impact or
4 with the application of heat or a flame or that is highly
5 incendiary, with the intent to frighten, terrorize, intimidate,
6 threaten, harass, injure, or kill any person, or with the intent to
7 damage or destroy any real or personal property without the
8 permission of the property owner or, if the property is public
9 property, without the permission of the governmental agency having
10 authority over that property.

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

13 (a) For a violation of subsection (1)(a) **and except as**
14 **provided in subdivisions (c) to (f)**, the person is guilty of a
15 felony punishable by imprisonment for not more than 4 years or a
16 fine of not more than \$2,000.00, or both.

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

21 (c) 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 (d) 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.

28 (e) If the violation causes serious impairment of a body
29 function to another individual, the person is guilty of a felony



1 punishable by imprisonment for life or any term of years or a fine
2 of not more than \$25,000.00, or both.

3 (f) Except as provided in ~~sections 25 and 25a of chapter IX of~~
4 ~~the code of criminal procedure, 1927 PA 175, MCL 769.25 and~~
5 ~~769.25a,~~ **for a person who was less than 19 years of age at the time**
6 **of the violation,** 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.~~ **If the violation was committed**
10 **by a person who was less than 19 years of age at the time of the**
11 **violation and causes the death of another individual, the person is**
12 **guilty of a felony and shall be punished by imprisonment with a**
13 **minimum term of not less than 20 years and maximum term of not more**
14 **than 60 years and may be fined not more than \$40,000.00.**

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

21 Sec. 316. (1) Except as provided in ~~sections 25 and 25a of~~
22 ~~chapter IX of the code of criminal procedure, 1927 PA 175, MCL~~
23 ~~769.25 and 769.25a,~~ **subsection (2),** a person who commits any of the
24 following is guilty of first degree murder and shall be punished by
25 imprisonment for life without eligibility for parole:

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

28 (b) Murder committed in the perpetration of, or attempt to
29 perpetrate, arson, criminal sexual conduct in the first, second, or



1 third degree, child abuse in the first degree, a major controlled
2 substance offense, robbery, carjacking, breaking and entering of a
3 dwelling, home invasion in the first or second degree, larceny of
4 any kind, extortion, kidnapping, vulnerable adult abuse in the
5 first or second degree under section 145n, torture under section
6 85, aggravated stalking under section 411i, or unlawful
7 imprisonment under section 349b.

8 (c) A murder of a peace officer or a corrections officer
9 committed while the peace officer or corrections officer is
10 lawfully engaged in the performance of any of ~~his or her~~ **the**
11 **officer's** duties as a peace officer or corrections officer, knowing
12 that the peace officer or corrections officer is a peace officer or
13 corrections officer engaged in the performance of ~~his or her duty~~
14 **the officer's duties** as a peace officer or corrections officer.

15 (2) **If a violation of subsection (1) was committed by a person**
16 **who was less than 19 years of age at the time of the violation, the**
17 **person is guilty of first degree murder and shall be punished by**
18 **imprisonment with a minimum term of not less than 20 years and**
19 **maximum term of not more than 60 years.**

20 (3) ~~(2)~~—Immediately following a conviction under this section,
21 a court shall enter an order committing the convicted person to the
22 jurisdiction of the department of corrections for incarceration in
23 a state correctional facility pending sentencing using a form
24 created by the state court administrative office for this purpose.
25 This order becomes effective if both of the following apply:

26 (a) The sheriff agrees to transport for final sentencing the
27 person from the state correctional facility to the county and from
28 the county back to the state correctional facility.

29 (b) The convicted person was not less than 18 years of age at



1 the time ~~he or she~~ **the person** committed the offense for which ~~he or~~
 2 ~~she~~ **the person** was convicted under this section.

3 (4) ~~(3)~~—A court shall hold the sentencing hearing not more
 4 than 45 days after a person is committed to the department of
 5 corrections under subsection ~~(2)~~. (3) .

6 (5) ~~(4)~~—As used in this section:

7 (a) "Arson" means a felony violation under chapter X.

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

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

10 (ii) Any of the personnel of a boot camp, special alternative
 11 incarceration unit, or other minimum security correctional
 12 facility.

13 (iii) A parole or probation officer.

14 (c) "Major controlled substance offense" means any of the
 15 following:

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

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

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

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

23 (i) A police or conservation officer of this state or a
 24 political subdivision of this state.

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

26 (iii) A police or conservation officer of another state or a
 27 political subdivision of another state.

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

29 (a) Willfully mingle a poison or harmful substance with a



1 food, drink, nonprescription medicine, or pharmaceutical product,
2 or willfully place a poison or harmful substance in a spring, well,
3 reservoir, or public water supply, knowing or having reason to know
4 that the food, drink, nonprescription medicine, pharmaceutical
5 product, or water may be ingested or used by a person ~~to his or her~~
6 **and cause injury to the person.**

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

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

15 (a) Except as provided in subdivisions (b) to (e), the person
16 is guilty of a felony punishable by imprisonment for not more than
17 15 years or a fine of not more than \$10,000.00, or both.

18 (b) 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 (c) 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 (d) 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
28 of not more than \$25,000.00, or both. As used in this subdivision,
29 "serious impairment of a body function" means that term as defined



1 in section 58c of the Michigan vehicle code, 1949 PA 300, MCL
2 257.58c.

3 (e) Except as provided ~~in sections 25 and 25a of chapter IX of~~
4 ~~the code of criminal procedure, 1927 PA 175, MCL 769.25 and~~
5 ~~769.25a,~~ **for a person who was less than 19 years of age at the time**
6 **of the violation,** 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.~~ **If the violation was committed**
10 **by a person who was less than 19 years of age at the time of the**
11 **violation and causes the death of another individual, the person is**
12 **guilty of a felony and shall be punished by imprisonment with a**
13 **minimum term of not less than 20 years and maximum term of not more**
14 **than 60 years and may be fined not more than \$40,000.00.**

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

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

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

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

28 (5) This section does not prohibit an individual from being
29 charged with, convicted of, or punished for any other violation of



1 law that is committed by that individual while violating this
2 section.

3 **Sec. 506b. Notwithstanding any provision to the contrary in**
4 **this act, an individual who was less than 19 years of age at the**
5 **time the individual committed a crime must not be sentenced to**
6 **imprisonment for life without parole eligibility for that crime.**

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

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

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

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

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

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

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

23 (v) The actor is an employee or a contractual service provider
24 of the public school, nonpublic school, school district, or
25 intermediate school district in which that other person is
26 enrolled, or is a volunteer who is not a student in any public
27 school or nonpublic school, or is an employee of this state or of a
28 local unit of government of this state or of the United States
29 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~~ **the actor's** employee, contractual, or
3 volunteer status to gain access to, or to establish a relationship
4 with, that other person.

5 (vi) The actor is an employee, contractual service provider, or
6 volunteer of a child care organization, or a person licensed to
7 operate a foster family home or a foster family group home in which
8 that other person is a resident, and the sexual penetration occurs
9 during the period of that other person's residency. As used in this
10 subparagraph, "child care organization", "foster family home", and
11 "foster family group home" mean those terms as defined in section 1
12 of 1973 PA 116, MCL 722.111.

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

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

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

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

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

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

29 (i) When the actor overcomes the victim through the actual



1 application of physical force or physical violence.

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

5 (iii) When the actor coerces the victim to submit by threatening
6 to retaliate in the future against the victim, or any other person,
7 and the victim believes that the actor has the ability to execute
8 this threat. As used in this subdivision, "to retaliate" includes
9 threats of physical punishment, kidnapping, or extortion.

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

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

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

18 (h) That other person is mentally incapable, mentally
19 disabled, mentally incapacitated, or physically helpless, and any
20 of the following:

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

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

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

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

29 (b) For a violation that is committed by an individual ~~17-19~~



1 years of age or older against an individual less than 13 years of
2 age by imprisonment for life or any term of years, but not less
3 than 25 years. **If a violation described under this subdivision was**
4 **committed by an individual who was less than 19 years of age at the**
5 **time of the violation, the individual shall be punished by**
6 **imprisonment with a minimum term of not less than 20 years and**
7 **maximum term of not more than 60 years.**

8 (c) For a violation that is committed by an individual ~~18~~19
9 years of age or older against an individual less than 13 years of
10 age, by imprisonment for life without the possibility of parole if
11 the person was previously convicted of a violation of this section
12 or section 520c, 520d, 520e, or 520g committed against an
13 individual less than 13 years of age or a violation of law of the
14 United States, another state or political subdivision substantially
15 corresponding to a violation of this section or section 520c, 520d,
16 520e, or 520g committed against an individual less than 13 years of
17 age. **If a violation described under this subdivision was committed**
18 **by an individual who was less than 19 years of age at the time of**
19 **the violation, the individual shall be punished by imprisonment**
20 **with a minimum term of not less than 20 years and maximum term of**
21 **not more than 60 years.**

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

25 (3) The court may order a term of imprisonment imposed under
26 this section to be served consecutively to any term of imprisonment
27 imposed for any other criminal offense arising from the same
28 transaction.

29 Sec. 543f. (1) A person is guilty of terrorism when that



1 person knowingly and with premeditation commits an act of
2 terrorism.

3 (2) Terrorism is a felony punishable by imprisonment for life
4 or any term of years or a fine of not more than \$100,000.00, or
5 both. However, except as provided ~~in sections 25 and 25a of chapter~~
6 ~~IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and~~
7 ~~769.25a,~~ **for a person who was less than 19 years of age at the time**
8 **of the violation,** if death was caused by the terrorist act, the
9 person shall be punished by imprisonment for life without
10 eligibility for parole. **If the violation was committed by a person**
11 **who was less than 19 years of age at the time of the violation and**
12 **causes the death of another individual, the person is guilty of a**
13 **felony and shall be punished by imprisonment with a minimum term of**
14 **not less than 20 years and maximum term of not more than 60 years.**

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

17 Enacting section 2. This amendatory act does not take effect
18 unless all of the following bills of the 102nd Legislature are
19 enacted into law:

- 20 (a) House Bill No. 4160.
21 (b) House Bill No. 4161.
22 (c) House Bill No. 4163.
23 (d) House Bill No. 4164.

