

HOUSE BILL No. 4011

January 11, 1989, introduced by Reps. Porreca, DeMars, Owen, Palamara, Bartnik, Stopczynski, Richard A. Young, Pitoniak, Gnodtke, Varga, Runco, Barns, Middaugh, Alley, Ouwinga, Jacobetti, Hertel, Dunaskiss and Knight and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931,
entitled

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan
Compiled Laws, by adding section 82a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 82a to read as follows:

4 SEC. 82A. (1) AS USED IN THIS SECTION:

5 (A) "MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 33
6 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF
7 1949, BEING SECTION 257.33 OF THE MICHIGAN COMPILED LAWS.

8 (B) "STREET OR HIGHWAY" MEANS THAT TERM AS DEFINED IN
9 SECTION 64 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE

1 PUBLIC ACTS OF 1949, BEING SECTION 257.64 OF THE MICHIGAN
2 COMPILED LAWS.

3 (2) AN INDIVIDUAL WHO KNOWINGLY DISCHARGES A FIREARM AT AN
4 INDIVIDUAL OPERATING A MOTOR VEHICLE UPON A STREET OR HIGHWAY IN
5 THIS STATE WITHOUT CAUSING INJURY OR DEATH TO ANY INDIVIDUAL, OR
6 WHO KNOWINGLY DISCHARGES A FIREARM AT A MOTOR VEHICLE OPERATED
7 UPON A STREET OR HIGHWAY IN THIS STATE WITHOUT CAUSING INJURY OR
8 DEATH TO ANY INDIVIDUAL, IS GUILTY OF A FELONY, AND SHALL BE
9 IMPRISONED FOR NOT LESS THAN 10 YEARS.

10 (3) AN INDIVIDUAL WHO KNOWINGLY DISCHARGES A FIREARM AT AN
11 INDIVIDUAL OPERATING A MOTOR VEHICLE UPON A STREET OR HIGHWAY IN
12 THIS STATE AND CAUSES INJURY, BUT NOT DEATH, TO ANY INDIVIDUAL,
13 OR WHO KNOWINGLY DISCHARGES A FIREARM AT A MOTOR VEHICLE OPERATED
14 UPON A STREET OR HIGHWAY IN THIS STATE AND CAUSES INJURY, BUT NOT
15 DEATH, TO ANY INDIVIDUAL, IS GUILTY OF A FELONY, AND SHALL BE
16 IMPRISONED FOR LIFE.

17 (4) AN INDIVIDUAL WHO KNOWINGLY DISCHARGES A FIREARM AT AN
18 INDIVIDUAL OPERATING A MOTOR VEHICLE UPON A STREET OR HIGHWAY IN
19 THIS STATE AND CAUSES DEATH TO ANY INDIVIDUAL, OR WHO KNOWINGLY
20 DISCHARGES A FIREARM AT A MOTOR VEHICLE OPERATED UPON A STREET OR
21 HIGHWAY IN THIS STATE AND CAUSES DEATH TO ANY INDIVIDUAL, IS
22 GUILTY OF A FELONY, AND SHALL BE PUNISHED BY DEATH.

23 (5) A SENTENCE IMPOSED UNDER THIS SECTION SHALL NOT BE
24 SUSPENDED. AN INDIVIDUAL IMPRISONED UNDER THIS SECTION IS NOT
25 ELIGIBLE FOR PROBATION OR PAROLE DURING THAT TERM OF
26 IMPRISONMENT.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Joint Resolution _____ or House Joint Resolution A
3 (request no. 01559'89 a) of the 85th Legislature becomes a part
4 of the state constitution of 1963 as provided in section 1 of
5 article XII of the state constitution of 1963.