

SENATE BILL No. 56

January 31, 1989, Introduced by Senators FESSLER and WELBORN 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 73a.

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 73a to read as follows:

4 SEC. 73A. (1) NOTWITHSTANDING ANY OTHER SECTION OF THIS
5 ACT, A PERSON WHO WILLFULLY AND MALICIOUSLY DAMAGES OR DESTROYS A
6 BUILDING OR OTHER REAL PROPERTY BY MEANS OF AN EXPLOSIVE OR
7 INCENDIARY DEVICE OR BY FIRE, AND THEREBY CAUSES THE DEATH OF A
8 PERSON, IS GUILTY OF A FELONY AND SHALL BE PUNISHED BY
9 IMPRISONMENT FOR LIFE.

1 (2) A TERM OF IMPRISONMENT IMPOSED UNDER THIS SECTION SHALL
2 NOT BE SUSPENDED. A PERSON SENTENCED TO THE MANDATORY TERM OF
3 IMPRISONMENT FOR LIFE UNDER THIS SECTION SHALL NOT BE ELIGIBLE
4 FOR PROBATION OR PAROLE.

5 (3) AS USED IN THIS SECTION:

6 (A) "EXPLOSIVE OR INCENDIARY DEVICE" MEANS:

7 (i) DYNAMITE, GUNPOWDER, OR OTHER SIMILARLY EXPLOSIVE
8 SUBSTANCE.

9 (ii) A BOMB, GRENADE, MISSILE, OR SIMILAR DEVICE DESIGNED TO
10 EXPAND SUDDENLY AND RELEASE INTERNAL ENERGY RESULTING IN AN
11 EXPLOSION.

12 (iii) AN INCENDIARY BOMB OR GRENADE, FIRE BOMB, OR SIMILAR
13 DEVICE DESIGNED TO IGNITE, INCLUDING A DEVICE WHICH CONSISTS OF
14 OR INCLUDES A BREAKABLE CONTAINER CONTAINING A FLAMMABLE LIQUID
15 OR COMPOUND AND A WICK COMPOSED OF ANY MATERIAL WHICH, IF
16 IGNITED, IS CAPABLE OF IGNITING THE FLAMMABLE LIQUID OR COMPOUND,
17 AND WHICH MAY BE CARRIED OR THROWN BY A PERSON.

18 (B) "PERSON" MEANS AN INDIVIDUAL, FIRM, PARTNERSHIP, CORPO-
19 RATION, ASSOCIATION, OR OTHER LEGAL ENTITY.