

## THE MICHIGAN PENAL CODE (EXCERPT)

### Act 328 of 1931

#### CHAPTER LXXXIII-A

##### **750.543a Short title.**

Sec. 543a. This chapter shall be known and may be cited as the "Michigan anti-terrorism act".

**History:** Add. 2002, Act 113, Eff. Apr. 22, 2002.

##### **750.543b Definitions.**

Sec. 543b. As used in this chapter:

(a) "Act of terrorism" means a willful and deliberate act that is all of the following:

(i) An act that would be a violent felony under the laws of this state, whether or not committed in this state.

(ii) An act that the person knows or has reason to know is dangerous to human life.

(iii) An act that is intended to intimidate or coerce a civilian population or influence or affect the conduct of government or a unit of government through intimidation or coercion.

(b) "Dangerous to human life" means that which causes a substantial likelihood of death or serious injury or that is a violation of section 349 or 350.

(c) "Harmful biological substance", "harmful biological device", "harmful chemical substance", "harmful chemical device", "harmful radioactive material", and "harmful radioactive device" mean those terms as defined in section 200h.

(d) "Material support or resources" means currency or other financial securities, financial services, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, including any related physical assets or intangible property, or expert services or expert assistance.

(e) "Person" means an individual, agent, association, charitable organization, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company, partnership, receiver, trust, trustee, trustee in bankruptcy, unincorporated organization, or any other legal or commercial entity.

(f) "Renders criminal assistance" means that the person with the intent to avoid, prevent, hinder, or delay the discovery, apprehension, prosecution, trial, or sentencing of a person who he or she knows or has reason to know has violated this chapter or is wanted as a material witness in connection with an act of terrorism pursuant to section 39 of chapter VII of the code of criminal procedure, 1927 PA 175, MCL 767.39, does any of the following:

(i) Harbors or conceals that other person.

(ii) Warns that other person of impending discovery or apprehension.

(iii) Provides that other person with money, transportation, a weapon, a disguise, or false identification, or any other means of avoiding discovery or apprehension.

(iv) Prevents or obstructs, by means of force, intimidation, or deception, anyone from performing an act that might aid in the discovery, apprehension, or prosecution of that other person.

(v) Suppresses, by any act of concealment, alteration, or destruction, any physical evidence that might aid in the discovery, apprehension, or prosecution of that other person.

(vi) Engages in conduct proscribed under section 120, 120a, or 122 or chapter XXXII.

(g) "Terrorist" means any person who engages or is about to engage in an act of terrorism.

(h) "Violent felony" means a felony in which an element is the use, attempted use, or threatened use of physical force against an individual, or the use, attempted use, or threatened use of a harmful biological substance, a harmful biological device, a harmful chemical substance, a harmful chemical device, a harmful radioactive substance, a harmful radioactive device, an explosive device, or an incendiary device.

**History:** Add. 2002, Act 113, Eff. Apr. 22, 2002.

##### **750.543c "Terrorist organization" defined.**

Sec. 543c. As used in this chapter, "terrorist organization" means an organization that, on the effective date of the amendatory act that added this section, is designated by the United States state department as engaging in or sponsoring an act of terrorism.

**History:** Add. 2002, Act 131, Eff. Apr. 22, 2002.

##### **750.543f Terrorism; action; felony; penalty.**

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

(2) Terrorism is a felony punishable by imprisonment for life or any term of years or a fine of not more than \$100,000.00, or both. However, except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if death was caused by the terrorist act, the person shall be punished by imprisonment for life without eligibility for parole.

**History:** Add. 2002, Act 113, Eff. Apr. 22, 2002;—Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014.

#### **750.543h Hindering prosecution of terrorism; conduct; felony; penalty.**

Sec. 543h. (1) A person is guilty of hindering prosecution of terrorism when he or she knowingly renders criminal assistance to a person who has violated any section of this chapter other than this section or is wanted as a material witness in connection with an act of terrorism pursuant to section 39 of chapter VII of the code of criminal procedure, 1927 PA 175, MCL 767.39.

(2) This section does not apply to conduct for which a person may be punished as if he or she had committed the offense committed by another person as allowed under section 39 of chapter VII of the code of criminal procedure, 1927 PA 175, MCL 767.39.

(3) Hindering prosecution of terrorism is a felony punishable as follows:

(a) Except as provided in subdivision (b), by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both.

(b) If the person renders criminal assistance to a person who has violated section 543f, by imprisonment for life or any term of years or a fine of not more than \$100,000.00, or both.

**History:** Add. 2002, Act 113, Eff. Apr. 22, 2002;—Am. 2002, Act 270, Imd. Eff. May 9, 2002.

#### **750.543k Providing material support for terrorist acts or soliciting material support for terrorism as felonies; penalty.**

Sec. 543k. (1) Any person who does any of the following is guilty of a crime punishable as provided in subsection (2):

(a) Knowingly raises, solicits, or collects material support or resources intending that the material support or resources will be used, in whole or in part, to plan, prepare, carry out, or avoid apprehension for committing an act of terrorism against the United States or its citizens, this state or its citizens, or a political subdivision or any other instrumentality of this state or of a local unit of government who knows that the material support or resources raised, solicited, or collected will be used by a terrorist or terrorist organization.

(b) Knowingly provides material support or resources to a person knowing that the person will use that support or those resources in whole or in part to plan, prepare, carry out, facilitate, or avoid apprehension for committing an act of terrorism against the United States or its citizens, this state or its citizens, or a political subdivision or any other instrumentality of this state or of a local unit of government.

(2) A person who violates subsection (1)(a) is guilty of soliciting material support for terrorism. A person who violates subsection (1)(b) is guilty of providing material support for terrorist acts. Soliciting material support for terrorism and providing material support for terrorist acts are felonies punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both.

**History:** Add. 2002, Act 113, Eff. Apr. 22, 2002.

#### **750.543m Making terrorist threat or false report of terrorism; intent or capability as defense prohibited; violation as felony; penalty.**

Sec. 543m. (1) A person is guilty of making a terrorist threat or of making a false report of terrorism if the person does either of the following:

(a) Threatens to commit an act of terrorism and communicates the threat to any other person.

(b) Knowingly makes a false report of an act of terrorism and communicates the false report to any other person, knowing the report is false.

(2) It is not a defense to a prosecution under this section that the defendant did not have the intent or capability of committing the act of terrorism.

(3) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both.

**History:** Add. 2002, Act 113, Eff. Apr. 22, 2002.

#### **750.543p Internet or telecommunications or electronic device; prohibited use; violation as felony; penalty; definitions.**

Sec. 543p. (1) A person shall not use the internet or a telecommunications device or system or other electronic device or system so as to disrupt the functions of the public safety, educational, commercial, or governmental operations within this state with the intent to commit a willful and deliberate act that is all of

the following:

- (a) An act that would be a felony under the laws of this state, whether or not committed in this state.
- (b) An act that the person knows or has reason to know is dangerous to human life as that term is defined in section 543b of the Michigan penal code, 1931 PA 328, MCL 750.543b.
- (c) An act that is intended to intimidate or coerce a civilian population or influence or affect the conduct of government or a unit of government through intimidation or coercion.
- (2) A person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both.
- (3) As used in this section:
  - (a) "Computer network", "computer system", and "internet" mean those terms as defined in section 145d.
  - (b) "Electronic device" means any instrument, equipment, or device having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
  - (c) "Electronic system" includes, but is not limited to, a computer system or computer network, digital broadcast system, or satellite network.
  - (d) "Telecommunications device" means that term as defined in section 540c.

**History:** Add. 2002, Act 117, Eff. Apr. 22, 2002.

#### **750.543r Obtaining or possessing certain information about vulnerable target; intent; felony; penalty; "vulnerable target" defined.**

Sec. 543r. (1) A person shall not obtain or possess a blueprint, an architectural or engineering diagram, security plan, or other similar information of a vulnerable target, with the intent to commit an offense prohibited under this chapter.

(2) A person who violates this section is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both.

(3) As used in this section, "vulnerable target" means that term as defined in section 212a.

**History:** Add. 2002, Act 115, Eff. Apr. 22, 2002.

#### **750.543x Restitution; reimbursement.**

Sec. 543x. The court shall order a person who violates this chapter to make restitution to any victim in the manner provided in section 16, 44, or 76 of the crime victim's rights act, 1985 PA 87, MCL 780.766, 780.794, and 780.826, and to reimburse any governmental entity for its expenses incurred as a result of the violation, in the manner provided in section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f.

**History:** Add. 2002, Act 141, Eff. Apr. 22, 2002.

#### **750.543y Other violations arising out of same criminal transaction.**

Sec. 543y. This chapter does not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law arising out of the same criminal transaction as the violation of this chapter.

**History:** Add. 2002, Act 131, Eff. Apr. 22, 2002.

#### **750.543z Constitutionally protected conduct; prosecution prohibited.**

Sec. 543z. Notwithstanding any provision in this chapter, a prosecuting agency shall not prosecute any person or seize any property for conduct presumptively protected by the first amendment to the constitution of the United States in a manner that violates any constitutional provision.

**History:** Add. 2002, Act 131, Eff. Apr. 22, 2002.