

Act No. 208
Public Acts of 1998
Approved by the Governor
July 1, 1998
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July 1, 1998
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STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Senator Byrum

ENROLLED SENATE BILL No. 97

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 204a, 207, 209, and 210 (MCL 750.204a, 750.207, 750.209, and 750.210); and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 204a. (1) A person who, with the intent to terrorize, frighten, intimidate, threaten, harass, or annoy any other person, delivers, sends, transports, or places a device that is constructed to represent an explosive, incendiary device, or bomb, or that is presented as an explosive, incendiary device, or bomb, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$3,000.00, or both.

(2) An offense is committed under this section if the device is delivered or sent from this state or is transported, received, or placed in this state and may be prosecuted in the jurisdiction from which it was delivered or sent or in which it was transported, received, or placed.

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

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

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

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

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

(d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or for any term of years or a fine of not more than \$25,000.00, or both. As used in this subdivision, "serious impairment of a body function" includes, but is not limited to, 1 or more of the following:

- (i) Loss of a limb or use of a limb.
- (ii) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.
- (iii) Loss of an eye or ear or use of an eye or ear.
- (iv) Loss or substantial impairment of a bodily function.
- (v) Serious visible disfigurement.
- (vi) A comatose state that lasts for more than 3 days.
- (vii) Measurable brain damage or mental impairment.
- (viii) A skull fracture or other serious bone fracture.
- (ix) Subdural hemorrhage or subdural hematoma.

(e) If the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than \$40,000.00, or both.

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

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

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

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

(d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or for any term of years or a fine of not more than \$25,000.00, or both. As used in this subdivision, "serious impairment of a body function" includes, but is not limited to, 1 or more of the following:

- (i) Loss of a limb or use of a limb.
- (ii) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.
- (iii) Loss of an eye or ear or use of an eye or ear.
- (iv) Loss or substantial impairment of a bodily function.
- (v) Serious visible disfigurement.
- (vi) A comatose state that lasts for more than 3 days.
- (vii) Measurable brain damage or mental impairment.
- (viii) A skull fracture or other serious bone fracture.
- (ix) Subdural hemorrhage or subdural hematoma.

(e) If the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than \$40,000.00, or both.

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

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

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

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

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

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

(d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or for any term of years or a fine of not more than \$25,000.00, or both. As used in this subdivision, "serious impairment of a body function" includes, but is not limited to, 1 or more of the following:

- (i) Loss of a limb or use of a limb.
- (ii) Loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.
- (iii) Loss of an eye or ear or use of an eye or ear.
- (iv) Loss or substantial impairment of a bodily function.
- (v) Serious visible disfigurement.
- (vi) A comatose state that lasts for more than 3 days.
- (vii) Measurable brain damage or mental impairment.
- (viii) A skull fracture or other serious bone fracture.
- (ix) Subdural hemorrhage or subdural hematoma.

(e) If the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than \$40,000.00, or both.

Enacting section 1. Sections 205, 205a, 206, 208, and 211 of the Michigan penal code, 1931 PA 328, MCL 750.205, 750.205a, 750.206, 750.208, and 750.211, are repealed.

Enacting section 2. This amendatory act takes effect October 1, 1998.

Enacting section 3. This amendatory act does not take effect unless House Bill No. 4289 of the 89th Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Wayne R. Snell

Clerk of the House of Representatives.

Approved _____

Governor.