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**SFA**

BILL ANALYSIS

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House Bill 4641 (Substitute H-1 as passed by the House)  
Sponsor: Representative Patricia Godchaux  
House Committee: Constitutional Law and Ethics  
Senate Committee: Judiciary

Date Completed: 5-26-99

### **CONTENT**

**The bill would amend the Explosives Act to increase the minimum age for an explosives permit from 18 to 21; and to establish felony penalties for furnishing an explosive to an unlicensed person, which would increase if the explosive were used to commit a crime and caused death or serious impairment of a body function.**

Under the Act, a person must obtain a permit from an issuing officer (an officer of a local police or sheriff's department or a designated officer of the State Police) in order to handle, store, use, sell, purchase, transfer, transport, or otherwise dispose of an explosive. A permit may not be issued to an applicant who is not at least 18 years old on the date of application, or to a person who has been adjudged insane, unless subsequently restored by court order to full mental competency and capacity. The bill would increase the minimum age to 21.

Currently, a violation of the Act is a misdemeanor punishable by imprisonment for up to one year and/or a fine of up to \$500. The bill would retain that penalty, but provides that it would be a felony for a person to sell or otherwise furnish an explosive to an individual he or she knew or had reason to know was not licensed under the Act. The offense would be punishable by imprisonment for up to four years and/or a fine of up to \$2,500, except as follows:

- If the explosive were used in the commission of a crime, the offense would be punishable by up to 10 years' imprisonment and/or a maximum fine of \$5,000.
- If the explosive were used in the commission of a crime and the use of the explosive caused death or serious impairment of a body function to another individual, the offense would be punishable by imprisonment for up to 20 years and/or a fine of up to \$5,000.

The bill specifies that this section of the Act would not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law committed by that individual while violating this section. Also, a term of imprisonment imposed for a violation of this section could run consecutively to any prison term imposed for another violation arising from the same transaction.

"Serious impairment of a body function" would include, but not be limited to, one or more of the following:

- Loss of a limb or use of a limb.
- Loss of a hand, foot, finger, or thumb, or use of a hand, foot, finger, or thumb.
- Loss of an eye or ear or use of an eye or ear.
- Loss or substantial impairment of a bodily function.
- Serious visible disfigurement.
- A comatose state lasting more than three days.
- Measurable brain damage or mental impairment.
- A skull fracture or other serious bone fracture.
- Subdural hemorrhage or subdural hematoma.

The bill would take effect August 1, 1999.

MCL 29.45 & 29.55

Legislative Analyst: S. Lowe

**FISCAL IMPACT**

House Bill 4641 (H-1) would have an indeterminate fiscal impact on State and local government.

There are no data to indicate how many people under the age of 21 years or adjudged insane could apply for or be granted a license. The bill would retain the current penalty of a maximum sentence of one year and/or a fine of \$500. Nor are there data to indicate how many people would be subject to the graduated penalties for furnishing an explosive to someone who was not eligible for licensure under this Act.

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.