

HOUSE BILL No. 4641

May 6, 1999, Introduced by Reps. Godchaux, Brater, Martinez, Jellema, Jelinek, Toy, Richner, Byl, Pumford, Cameron Brown, Jansen, Birkholz and Middaugh and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1970 PA 202, entitled
"Explosives act of 1970,"
by amending sections 5 and 15 (MCL 29.45 and 29.55).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. A permit shall not be issued to an applicant who
2 ~~has not, on or before the date of application, attained the age~~
3 ~~of 18 years~~ IS LESS THAN 21 YEARS OF AGE AT THE TIME HE OR SHE
4 APPLIES FOR A LICENSE UNDER THIS ACT or TO AN APPLICANT who has
5 been duly adjudged insane, unless subsequently restored by court
6 order to full mental competency and capacity.

7 Sec. 15. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
8 (2), A person who violates ~~any provision of~~ this act is guilty
9 of a misdemeanor ~~and shall be fined not more than \$500.00 or~~
10 ~~imprisoned~~ PUNISHABLE BY IMPRISONMENT for not more than 1 year
11 OR A FINE OF NOT MORE THAN \$500.00, or both.

1 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 3, A PERSON WHO
2 SELLS OR OTHERWISE FURNISHES AN EXPLOSIVE TO AN INDIVIDUAL HE OR
3 SHE KNOWS OR HAS REASON TO KNOW IS NOT LICENSED UNDER THIS ACT IS
4 GUILTY OF A CRIME AS FOLLOWS:

5 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), THE
6 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
7 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

8 (B) IF THE EXPLOSIVE IS USED IN THE COMMISSION OF A CRIME,
9 THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR
10 NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR
11 BOTH.

12 (C) IF THE EXPLOSIVE IS USED IN THE COMMISSION OF A CRIME
13 AND THE USE OF THAT EXPLOSIVE CAUSES DEATH OR SERIOUS IMPAIRMENT
14 OF A BODY FUNCTION TO ANOTHER INDIVIDUAL, THE PERSON IS GUILTY OF
15 A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR
16 A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

17 (3) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
18 CHARGED WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION
19 OF LAW COMMITTED BY THAT INDIVIDUAL WHILE VIOLATING THIS
20 SECTION.

21 (4) A TERM OF IMPRISONMENT IMPOSED FOR A VIOLATION OF THIS
22 SECTION MAY RUN CONSECUTIVELY TO ANY TERM OF IMPRISONMENT IMPOSED
23 FOR ANOTHER VIOLATION ARISING FROM THE SAME TRANSACTION.

24 (5) AS USED IN THIS SECTION, "SERIOUS IMPAIRMENT OF A BODY
25 FUNCTION" INCLUDES, BUT IS NOT LIMITED TO, 1 OR MORE OF THE
26 FOLLOWING:

- 1 (A) LOSS OF A LIMB OR USE OF A LIMB.
- 2 (B) LOSS OF A HAND, FOOT, FINGER, OR THUMB OR USE OF A HAND,
- 3 FOOT, FINGER, OR THUMB.
- 4 (C) LOSS OF AN EYE OR EAR OR USE OF AN EYE OR EAR.
- 5 (D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.
- 6 (E) SERIOUS VISIBLE DISFIGUREMENT.
- 7 (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.
- 8 (G) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.
- 9 (H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.
- 10 (I) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.