

PENALTIES FOR POISONING

House Bill 5507

Sponsor: Rep. Gary Woronchak

Committee: Criminal Justice

Complete to 1-16-02

A SUMMARY OF HOUSE BILL 5507 AS INTRODUCED 12-12-01

Under the Michigan Penal Code, it is a felony to willfully poison any food, drink, nonprescription medicine, pharmaceutical product, spring, well, reservoir, or public water supply if the poisoner knew or should have known that the material could be ingested or used by a person to his or her injury. An offense carries a penalty of up to five years in prison. An incident involving an amount of a toxic substance sufficient to cause death or that could inflict great bodily injury can result in imprisonment for life or for any term of years. Further, a person who maliciously informs another that a poison or harmful substance has been or will be placed in food, over-the-counter-drug or pharmaceutical products, or water sources with the knowledge that the information is false and that the information is likely to be disseminated to the public is guilty of a felony punishable by imprisonment for not more than two years.

The bill would amend the penal code to increase the penalties for the above offenses as follows:

- A violation that does not damage property or cause physical injury or death to another would be a felony punishable by imprisonment for up to 15 years or a fine of not more than \$10,000, or both.
- A violation that damages another person's property would be a felony punishable by imprisonment for up to 20 years or a fine of not more than \$15,000, or both.
- A violation which causes physical injury to another individual, other than serious impairment of a body function, would be a felony punishable by imprisonment for not more than 25 years or a fine of not more than \$20,000, or both.
- A violation causing serious impairment of a body function to another would be a felony punishable by life imprisonment or imprisonment for any length of years or a fine of not more than \$25,000, or both. "Serious impairment of a body function" would be defined as it is in the Michigan Vehicle Code (MCL 257.58c).
- A violation that causes another person's death would be a felony punishable by mandatory life imprisonment without parole, and the violator could also be fined not more than \$40,000.

MCL 750.436

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.