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House Bill 5507 (Substitute H-1 as reported without amendment)

Sponsor: Representative Gary Woronchak

House Committee: Criminal Justice

Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to increase penalties for certain poisoning offenses. The bill would take effect on May 1, 2002.

Currently, it is a felony punishable by up to five years' imprisonment if a person mingles a poison or harmful substance with a food, drink, nonprescription medicine, or pharmaceutical product or places a poison or harmful substance in a spring, well, reservoir, or public water supply. If the violation involves an amount that may cause death or results in great bodily injury, the Code requires punishment by imprisonment for life or any term of years. Under the bill, instead, a violation would be a felony punishable by up to 15 years' imprisonment and/or a maximum fine of \$10,000. If the violation resulted in damage, injury, or death, it would be punishable as shown in the following table.

	Imprisonment	Maximum Fine
Damage to property	20 years' maximum	\$15,000
Physical injury	25 years' maximum	\$20,000
Serious impairment of a body function	Life or any term of years	\$25,000
Death	Mandatory life without parole	\$40,000

It is a felony punishable by up to two years' imprisonment if a person maliciously informs another person that a poison or harmful substance has been or will be placed in a food, drink, nonprescription medicine, pharmaceutical product, spring, well, reservoir, or public water supply, knowing that the information is false and likely will be disseminated to the public. Under the bill, a violation would be punishable by up to four years' imprisonment and/or a maximum fine of \$2,000. If the person had previously been convicted of that offense, the penalty would be up to 10 years' imprisonment and/or a maximum fine of \$5,000.

MCL 750.436

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State government.

According to the Department of Corrections 1999 Statistical Report, two people were convicted of poisoning a food, drink, medicine, or well, and none was convicted of maliciously and falsely informing someone of such an event. There are no data to indicate whether the offenders damaged property, caused physical injury, caused serious impairment of a body function, or caused the death of an individual. Offenders would receive probation or incarceration in a State facility. The State would incur the cost at an annual average of \$25,000.

Date Completed: 2-21-02

Fiscal Analyst: Bethany Wicksall

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Bill Analysis @ <http://www.senate.state.mi.us/sfa>

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