

Senate Fiscal Agency  
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**SFA**

BILL ANALYSIS

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House Bill 5507 (Substitute H-1 as passed by the House)  
Sponsor: Representative Gary Woronchak  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 2-19-02

### **CONTENT**

**The bill would amend the Michigan Penal Code to increase penalties for poisoning a food, drink, medicine, or water supply and for maliciously and falsely informing another person that a food, drink, medicine, or water supply had been or would be poisoned.** The bill would take effect on May 1, 2002.

#### Poisoning

Currently, it is a felony punishable by up to five years' imprisonment if a person willfully mingles a poison or harmful substance with a food, drink, nonprescription medicine, or pharmaceutical product or willfully places a poison or harmful substance in a spring, well, reservoir, or public water supply, if he or she knows or should know that the food, drink, medicine, pharmaceutical product, or water may be ingested or used by a person to that person's injury. If the violation involves an amount or poison or harmful substance that may cause death or if the violation results in infliction of great bodily injury, the Code requires punishment by imprisonment for life or any term of years.

The bill would delete those penalties. Under the bill, 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 of another                    | 20 years' maximum             | \$15,000     |
| Physical injury to another                       | 25 years' maximum             | \$20,000     |
| Serious impairment of a body function to another | Life or any term of years     | \$25,000     |
| Death of another                                 | Mandatory life without parole | \$40,000     |

"Serious impairment of a body function" would mean that term as defined in the Michigan Vehicle Code. The Vehicle Code specifies that serious impairment of a body function includes, but is not limited to, one or more of the following:

- Loss of a limb or the use of a limb.
- Loss of a foot, hand, finger, or thumb or the use of a foot, hand, 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 that lasts for more than three days.
- Measurable brain or mental impairment.
- A skull fracture or other serious bone fracture.
- Subdural hemorrhage or subdural hematoma.
- Loss of an organ.

#### Malicious & False Information

Under the Code, 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.

The bill specifies, instead, that a violation would be a felony 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.

#### Sentencing & Prosecution

The bill specifies that a court could order a term of imprisonment imposed for either violation to be served consecutively to a term of imprisonment imposed for any other violation arising out of the same transaction.

The bill also states that this section of the Code would not prohibit an individual from being charged with, convicted of, or punished for any other violation of law committed by that individual while violation this section.

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 or 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.

Fiscal Analyst: Bethany Wicksall

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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.