

HOUSE BILL NO. 5027

June 16, 2021, Introduced by Reps. Neeley, Cynthia Johnson, O'Neal, Liberati, Young, Ellison, Damoose, Aiyash, Haadsma, Weiss, Bezotte, Scott, Cherry, Sneller, Brabec, Hood, Tyrone Carter, Filler, Jones and Yancey and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 234b (MCL 750.234b), as amended by 2014 PA 191.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 234b. (1) Except as otherwise provided in this section,
2 an individual who intentionally discharges a firearm at a facility
3 that he or she knows or has reason to believe is a dwelling or a
4 potentially occupied structure, whether or not the dwelling or
5 structure is actually occupied at the time the firearm is

1 discharged, is guilty of a felony punishable by imprisonment for
2 not more than 10 years or a fine of not more than \$10,000.00, or
3 both.

4 (2) An individual who intentionally discharges a firearm in a
5 facility that he or she knows or has reason to believe is a
6 dwelling or a potentially occupied structure, in reckless disregard
7 for the safety of any individual and whether or not the dwelling or
8 structure is actually occupied at the time the firearm is
9 discharged, is guilty of a felony punishable by imprisonment for
10 not more than 10 years or a fine of not more than \$10,000.00, or
11 both.

12 (3) ~~If~~**Except as provided in subsection (4),** if an individual
13 violates subsection (1) or (2) and causes any physical injury to
14 another individual, the individual is guilty of a felony punishable
15 by imprisonment for not more than 15 years or a fine of not more
16 than \$15,000.00, or both.

17 **(4) If an individual violates subsection (1) or (2) and causes**
18 **any physical injury to another individual who is a minor, the**
19 **individual is guilty of a felony punishable by imprisonment for not**
20 **more than 30 years or a fine of not more than \$30,000.00, or both.**

21 (5) ~~(4) If~~**Except as provided in subsection (6),** if an
22 individual violates subsection (1) or (2) and causes the serious
23 impairment of a body function of another individual, the individual
24 is guilty of a felony punishable by imprisonment for not more than
25 20 years or a fine of not more than \$25,000.00, or both.

26 **(6) If an individual violates subsection (1) or (2) and causes**
27 **the serious impairment of a body function of another individual who**
28 **is a minor, the individual is guilty of a felony punishable by**
29 **imprisonment for not more than 40 years or a fine of not more than**

1 \$50,000.00, or both.

2 (7) ~~(5) If~~ **Except as provided in subsection (8), if** an
 3 individual violates subsection (1) or (2) and causes the death of
 4 another individual, the individual is guilty of a felony punishable
 5 by imprisonment for life or any term of years.

6 (8) **If an individual violates subsection (1) or (2) and causes**
 7 **the death of another individual who is a minor, the individual is**
 8 **guilty of a felony and shall be punished by imprisonment for life**
 9 **without eligibility for parole.**

10 (9) ~~(6)~~ Subsections (1) and (2) do not apply to a peace
 11 officer of this state or another state, or of a local unit of
 12 government of this state or another state, or of the United States,
 13 performing his or her duties as a peace officer.

14 (10) ~~(7)~~ Subsections (1) and (2) do not apply to an individual
 15 who discharges a firearm in self-defense or the defense of another
 16 individual.

17 (11) ~~(8)~~ This section does not prohibit an individual from
 18 being charged with, convicted of, or punished for any other
 19 violation of law that is committed by that individual while
 20 violating this section.

21 (12) ~~(9)~~ A term of imprisonment imposed for a violation of
 22 this section may run consecutively to any term of imprisonment
 23 imposed for another violation arising from the same transaction.

24 (13) ~~(10)~~ As used in this section:

25 (a) "Dwelling" means a facility habitually used by 1 or more
 26 individuals as a place of abode, whether or not an individual is
 27 present in the facility.

28 (b) "Peace officer" means that term as defined in section 215.

29 (c) "Potentially occupied structure" means a structure that a

1 reasonable person knows or should know is likely to be occupied by
2 1 or more individuals due to its nature, function, or location.

3 (d) "Serious impairment of a body function" means that term as
4 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
5 MCL 257.58c.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.

8 Enacting section 2. This act must be known and may be cited as
9 "Messiah's Law".