

**THE MICHIGAN PENAL CODE (EXCERPT)**

**Act 328 of 1931**

**CHAPTER XXXIII**

**EXPLOSIVES AND BOMBS, AND HARMFUL DEVICES**

**750.200 Explosives; common carriers for passengers; transportation.**

Sec. 200. (1) A person shall not transport, carry, or convey dynamite, gunpowder, or any other explosive between any places within this state on any vessel, car, or vehicle of any description that is operated by a common carrier and that is carrying passengers for hire. A person who violates this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$3,000.00, or both.

(2) This section does not prohibit the transportation of any of the following:

(a) Small arms ammunition in any quantity.

(b) Fuses, torpedoes, rockets, or other signal devices essential to promote safety in operation.

(c) Properly packed and marked samples for laboratory examination that do not exceed a net weight of 1/2 pound each and that do not exceed 20 samples at 1 time in a single vessel, car, or vehicle if the samples are not carried in that part of a vessel, car, or vehicle that is intended for transporting passengers for hire.

(3) This section does not prohibit the transportation of military or naval forces with their accompanying munitions of war on passenger equipment vessels, cars, or vehicles.

(4) This section does not apply to the transportation of benzene, naphtha, gasoline, or kerosene.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.200;—Am. 1998, Act 206, Eff. Oct. 1, 1998.

**Former law:** See section 1 of Act 182 of 1909, being CL 1915, § 15251; and CL 1929, § 16795.

**750.200h Definitions.**

Sec. 200h. As used in this chapter:

(a) "Chemical irritant" means solid, liquid, or gas that through its chemical or physical properties, alone or in combination with 1 or more other substances, can be used to produce an irritant effect in humans, animals, or plants.

(b) "Chemical irritant device" means a device designed or intended to release a chemical irritant.

(c) "Computer", "computer network", and "computer system" mean those terms as defined in section 145d.

(d) "Deliver" means that actual or constructive transfer of a substance or device from 1 person to another regardless of any agency relationship.

(e) "For an unlawful purpose" includes, but is not limited to, having the intent to do any of the following:

(i) Frighten, terrorize, intimidate, threaten, harass, injure, or kill any person.

(ii) Damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over the property.

(f) "Harmful biological device" means a device designed or intended to release a harmful biological substance.

(g) "Harmful biological substance" means a bacteria, virus, or other microorganism or a toxic substance derived from or produced by an organism that can be used to cause death, injury, or disease in humans, animals, or plants.

(h) "Harmful chemical device" means a device that is designed or intended to release a harmful chemical substance.

(i) "Harmful chemical substance" means a solid, liquid, or gas that through its chemical or physical properties, alone or in combination with 1 or more other chemical substances, can be used to cause death, injury, or disease in humans, animals, or plants.

(j) "Harmful radioactive material" means material that is radioactive and that can be used to cause death, injury, or disease in humans, animals, or growing plants by its radioactivity.

(k) "Harmful electronic or electromagnetic device" means a device designed to emit or radiate or that, as a result of its design, emits or radiates an electronic or electromagnetic pulse, current, beam, signal, or microwave that is intended to cause harm to others or cause damage to, destroy, or disrupt any electronic or telecommunications system or device, including, but not limited to, a computer, computer network, or computer system.

(l) "Harmful radioactive device" means a device that is designed or intended to release a harmful radioactive material.

(m) "Imitation harmful substance or device" means a substance or device that is designed or intended to represent 1 or more of the following or that is alleged to be 1 of the following but that is not any of the

following:

- (i) A harmful biological device.
- (ii) A harmful biological substance.
- (iii) A harmful chemical device.
- (iv) A harmful chemical substance.
- (v) A harmful radioactive material.
- (vi) A radioactive device.
- (vii) A harmful electronic or electromagnetic device.

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

(o) "Telecommunications system" means that term as defined in section 219a.

**History:** Add. 1998, Act 207, Eff. Oct. 1, 1998;—Am. 2001, Act 135, Imd. Eff. Oct. 23, 2001;—Am. 2003, Act 256, Eff. Jan. 1, 2004.

#### **750.200i Unlawful acts; penalties.**

Sec. 200i. (1) A person shall not manufacture, deliver, possess, transport, place, use, or release any of the following for an unlawful purpose:

- (a) A harmful biological substance or a harmful biological device.
- (b) A harmful chemical substance or a harmful chemical device.
- (c) A harmful radioactive material or a harmful radioactive device.
- (d) A harmful electronic or electromagnetic device.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(b) If the violation directly or indirectly results in property damage, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$15,000.00, or both.

(c) If the violation directly or indirectly results in personal injury to another individual other than serious impairment of a body function or death, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than \$20,000.00, or both.

(d) If the violation directly or indirectly results in serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than \$25,000.00, or both.

(e) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if the violation directly or indirectly results in the death of another individual, the person is guilty of a felony and shall be punished by imprisonment for life without eligibility for parole and may be fined not more than \$40,000.00, or both.

**History:** Add. 1998, Act 207, Eff. Oct. 1, 1998;—Am. 2003, Act 257, Eff. Jan. 1, 2004;—Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014.

#### **750.200j Additional unlawful acts; penalties.**

Sec. 200j. (1) A person shall not manufacture, deliver, possess, transport, place, use, or release for an unlawful purpose any of the following:

- (a) A chemical irritant or a chemical irritant device.
- (b) A smoke device.
- (c) An imitation harmful substance or device.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.

(b) If the violation results in property damage, the person is guilty of a felony punishable by imprisonment for not more than 7 years or a fine of not more than \$10,000.00, or both.

(c) If the violation results in personal injury to another individual other than serious impairment of a body function or death, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00, or both.

(d) If the violation results in serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than \$25,000.00, or both.

(e) If the violation results in the death of another individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than \$40,000.00, or both.

**History:** Add. 1998, Act 207, Eff. Oct. 1, 1998;—Am. 2001, Act 135, Imd. Eff. Oct. 23, 2001.

#### **750.200k Applicability of MCL 750.200h to 750.200j; exceptions.**

Sec. 200k. (1) Sections 200h to 200j do not apply to any of the following:

(a) A member of the military forces of the United States or of this state acting under a lawful order or while engaged in a lawful military activity.

(b) A law enforcement officer enforcing the laws of the United States or of this state or while engaged in a lawful law enforcement activity.

(c) A person engaged in self-defense or the lawful defense of another person.

(d) Unless acting with an unlawful purpose, a person acting within the scope of his or her employment under a rule or a permit or license of the United States or of this state.

(2) Unless acting with an unlawful purpose, a person who within the scope of his or her employment violates a rule or a provision of a permit or license issued by the United States or this state to manufacture, deliver, possess, transport, place, classify, label, use, or release a substance or device shall not be prosecuted under this chapter.

(3) This chapter does not prohibit the possession and use of a device that uses electro-muscular disruption technology as permitted under section 224a.

**History:** Add. 1998, Act 207, Eff. Oct. 1, 1998;—Am. 2003, Act 257, Eff. Jan. 1, 2004.

#### **750.200l Acts causing false belief of exposure; violation; penalty.**

Sec. 200l. (1) A person shall not commit an act with the intent to cause an individual to falsely believe that the individual has been exposed to a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, or harmful electronic or electromagnetic device.

(2) A person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

**History:** Add. 2001, Act 135, Imd. Eff. Oct. 23, 2001;—Am. 2003, Act 257, Eff. Jan. 1, 2004.

#### **750.200m Other violations arising from same transaction.**

Sec. 200m. A charge under or a conviction or punishment for a violation of this chapter does not prevent a person from being charged with, convicted of, or punished for any other violation of law arising from the same transaction.

**History:** Add. 2003, Act 257, Eff. Jan. 1, 2004.

#### **750.201 Explosives exploded by concussion or friction; unlawful acts; penalties.**

Sec. 201. (1) A person shall not order, send, take, transport, convey, or carry or attempt to order, send, take, transport, convey, or carry dynamite, nitroglycerine, fulminate in bulk in dry condition, or any other explosive substance that explodes by concussion or friction, that is concealed as freight or baggage, on a passenger boat or vessel, a railroad car or train of cars, a street car, motor bus, stage, or other vehicle used wholly or partly for carrying passengers or articles of commerce by land or water.

(2) A person who violates this section and any consignee to whom the dynamite, nitroglycerine, fulminate in bulk in dry condition, or other explosive substance has been consigned by procurement in violation of this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$3,000.00, or both.

(3) A violation of this section may be prosecuted in any county through which the person procures or attempts to procure the transportation of the dynamite, nitroglycerine, fulminate in bulk in dry condition, or other explosive substance.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.201;—Am. 1998, Act 206, Eff. Oct. 1, 1998.

**Former law:** See sections 1 to 3 of Act 91 of 1889, being How., §§ 9117a to 9117c; CL 1897, §§ 11519 to 11521; CL 1915, §§ 15257 to 15259; and CL 1929, §§ 16792 to 16794.

#### **750.202 Explosives; marking when intended for shipment.**

Sec. 202. Marking of explosives intended for shipment—Every package containing explosives or other dangerous articles when presented to a common carrier for shipment shall have plainly marked on the outside thereof the contents thereof, and it shall be unlawful for any person, partnership or corporation to deliver for transportation to any common carrier engaged in commerce by land or water, or to cause to be delivered or to carry any explosive or other dangerous article, under any false or deceptive marking, description, invoice, shipping order or other declaration, or without informing the agent of such carrier of the true character thereof, at or before the time such delivery or carriage is made.

Any person violating any provision of this section shall be guilty of a felony.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.202.

**Former law:** See sections 4 and 5 of Act 182 of 1909, being CL 1915, §§ 15254 and 15255; and CL 1929, §§ 16798 and 16799.

#### **750.203 Repealed. 2015, Act 210, Eff. Mar. 14, 2016.**

**Compiler's note:** The repealed section pertained to regulations of interstate commerce commission as binding on common carriers transporting explosives by land.

#### **750.204 Explosives; sending with intent to frighten, injure, or kill person or damage or destroy property; violation; penalties.**

Sec. 204. (1) A person shall not send or deliver to another person or cause to be taken or received by any person any kind of explosive substance or any other dangerous thing with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over that property.

(2) A person who violates this section is guilty of a crime as follows:

(a) Except as otherwise provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(b) If the violation damages the property of another person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$15,000.00, or both.

(c) If the violation causes physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than \$20,000.00, or both.

(d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than \$25,000.00, or both.

(e) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than \$40,000.00, or both.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.204;—Am. 1998, Act 206, Eff. Oct. 1, 1998;—Am. 2003, Act 257, Eff. Jan. 1, 2004;—Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014.

**Former law:** See section 1 of Act 202 of 1879, being How., § 9118; CL 1897, § 11508; CL 1915, § 15231; and CL 1929, § 16791.

#### **750.204a Device representing or presented as explosive, incendiary device, or bomb; sending or transporting; intent; felony; penalty; jurisdiction.**

Sec. 204a. (1) A person who, with the intent to terrorize, frighten, intimidate, threaten, harass, or annoy any other person, possesses, delivers, sends, transports, or places a device that is constructed to represent an explosive, incendiary device, or bomb, or that is presented as an explosive, incendiary device, or bomb, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$3,000.00, or both.

(2) An offense is committed under this section if the device is delivered or sent from this state or is possessed, transported, received, or placed in this state and may be prosecuted in the jurisdiction from which it was delivered or sent or in which it was possessed, transported, received, or placed.

**History:** Add. 1973, Act 202, Eff. Mar. 29, 1974;—Am. 1998, Act 208, Eff. Oct. 1, 1998;—Am. 2002, Act 134, Eff. Apr. 22, 2002.

#### **750.204b Importing, manufacturing, distributing, or storing explosive materials; prohibition; exception; violation as misdemeanor; penalty; violation of other applicable law; "explosive materials" defined.**

Sec. 204b. (1) A person shall not import, manufacture, distribute, or store explosive materials in this state, unless the importation, manufacture, distribution, or storage of the explosive materials complies with 18 USC 841 to 848 and 27 CFR 555.

(2) A person that violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$10,000.00, or both.

(3) A conviction or sentence imposed for a violation of this section does not preclude a conviction or sentence for a violation of any other applicable law. As used in this section, "explosive materials" means that term as defined in 18 USC 841.

**History:** Add. 2018, Act 29, Eff. May 22, 2018.

**750.204c Handling explosive materials while under influence of alcoholic liquor or controlled substance; prohibition; violation as misdemeanor; penalty; definitions.**

Sec. 204c. (1) A person shall not handle any explosive materials while under the influence of an alcoholic liquor or controlled substance.

(2) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both.

(3) As used in this section:

(a) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA 300, MCL 257.1d.

(b) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

(c) "Explosive materials" means that term as defined in 18 USC 841.

**History:** Add. 2018, Act 29, Eff. May 22, 2018.

**750.205-750.206 Repealed. 1998, Act 208, Eff. Oct. 1, 1998.**

**Compiler's note:** The repealed sections pertained to placement of explosives or devices representing explosives.

**750.207 Explosive substance; placing with intent to frighten, injure, or kill person or damage or destroy property; violation; penalties.**

Sec. 207. (1) A person shall not place an explosive substance in or near any real or personal property with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over that property.

(2) A person who violates this section is guilty of a crime as follows:

(a) Except as otherwise provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(b) If the violation damages the property of another person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$15,000.00, or both.

(c) If the violation causes physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than \$20,000.00, or both.

(d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or for any term of years or a fine of not more than \$25,000.00, or both.

(e) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than \$40,000.00, or both.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.207;—Am. 1998, Act 208, Eff. Oct. 1, 1998;—Am. 2003, Act 257, Eff. Jan. 1, 2004;—Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014.

**Former law:** See section 3 of Act 119 of 1927, being CL 1929, § 17106.

**750.208 Repealed. 1998, Act 208, Eff. Oct. 1, 1998.**

**Compiler's note:** The repealed section pertained to placing explosives or aiding or abetting with intent to destroy.

**750.209 Offensive or injurious substance or compound; placing with intent to injure, coerce, or interfere with person or property; violation; penalties.**

Sec. 209. (1) A person who places an offensive or injurious substance or compound in or near to any real or personal property with intent to wrongfully injure or coerce another person or to injure the property or business of another person, or to interfere with another person's use, management, conduct, or control of his or her business or property is guilty of a crime as follows:

(a) Except as otherwise provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(b) If the violation damages the property of another person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$15,000.00, or both.

(c) If the violation causes physical injury to another individual, other than serious impairment of a body



function, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than \$20,000.00, or both.

(d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or for any term of years or a fine of not more than \$25,000.00, or both.

(e) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than \$40,000.00, or both.

(2) A person who places an offensive or injurious substance or compound in or near to any real or personal property with the intent to annoy or alarm any person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$3,000.00, or both.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 41, Eff. Oct. 29, 1937;—CL 1948, 750.209;—Am. 1967, Act 177, Eff. Nov. 2, 1967;—Am. 1998, Act 208, Eff. Oct. 1, 1998;—Am. 2003, Act 257, Eff. Jan. 1, 2004;—Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014.

**Former law:** See section 4 of Act 119 of 1927, being CL 1929, § 17107.

#### **750.209a Possession of explosive substance or device in public place.**

Sec. 209a. A person who, with the intent to terrorize, frighten, intimidate, threaten, harass, or annoy any other person, possesses an explosive substance or device in a public place is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both.

**History:** Add. 1998, Act 206, Eff. Oct. 1, 1998.

#### **750.210 Substance that when combined will become explosive or combustible; possession with intent to use unlawfully; violation; penalties.**

Sec. 210. (1) A person shall not carry or possess an explosive or combustible substance or a substance or compound that when combined with another substance or compound will become explosive or combustible or an article containing an explosive or combustible substance or a substance or compound that when combined with another substance or compound will become explosive or combustible, with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over that property.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) to (e), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(b) If the violation damages the property of another person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$15,000.00, or both.

(c) If the violation causes physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than \$20,000.00, or both.

(d) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or for any term of years or a fine of not more than \$25,000.00, or both.

(e) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than \$40,000.00, or both.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.210;—Am. 1998, Act 208, Eff. Oct. 1, 1998;—Am. 2003, Act 257, Eff. Jan. 1, 2004;—Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014.

**Former law:** See section 6 of Act 119 of 1927, being CL 1929, § 17109.

#### **750.210a Valerium; unlawful acts.**

Sec. 210a. Sale, etc., of valerium, etc.—It shall be unlawful for any person, firm, partnership, association or corporation to sell, offer for sale, barter, or otherwise dispose of, purchase, receive, or otherwise acquire, have in possession, carry or transport any oil, tincture, elixir or fluid of valerium, valeric acid or crystals of ammonium valeriate, except under the following conditions:

(a) Drug manufacturers and wholesale drug dealers may possess, sell, offer for sale, or otherwise dispose of, oil, tincture, elixir or fluid of valerium, valeric acid or crystals of ammonium valeriate to licensed

physicians and surgeons, druggists, pharmacists or hospitals: Provided, however, That a record of all such sales shall be kept by such drug manufacturers and wholesale dealers, which record shall be open to inspection by any law enforcing officer, and that a report of any such sales shall be made out and forwarded within 48 hours to the commissioner of the Michigan state police.

(b) Retail druggists or pharmacists may possess and sell, offer for sale, or otherwise dispose of, oil, tincture, elixir or fluid of valerium, valeric acid or crystals of ammonium valeriate upon prescription of a licensed physician or surgeon. Such retail druggists or pharmacists shall keep a record of all such sales and prescriptions, which shall be open to inspection by any law enforcing officer and shall also make and forward a report containing the names and addresses of such persons, together with the amount of such drugs prescribed or sold, within 48 hours after sale thereof to the commissioner of the Michigan state police.

Any person, excepting licensed physicians and surgeons, hospitals, and persons who have received such drugs on prescription in accordance with the provisions of this section, who shall violate any of the provisions of this section shall be guilty of a felony, punishable by imprisonment in the state prison for not less than 2 nor more than 5 years.

**History:** Add. 1941, Act 140, Eff. Jan. 10, 1942;—CL 1948, 750.210a.

### **750.211 Repealed. 1998, Act 208, Eff. Oct. 1, 1998.**

**Compiler's note:** The repealed section pertained to the intent to unlawfully use or manufacture explosives.

### **750.211a Device designed to explode upon impact, upon application of heat, or device highly incendiary; possession with intent to use unlawfully; violation; penalties; "Molotov cocktail" defined.**

Sec. 211a. (1) A person shall not do either of the following:

(a) Except as provided in subdivision (b), manufacture, buy, sell, furnish, or possess a Molotov cocktail or any similar device.

(b) Manufacture, buy, sell, furnish, or possess any device that is designed to explode or that will explode upon impact or with the application of heat or a flame or that is highly incendiary, with the intent to frighten, terrorize, intimidate, threaten, harass, injure, or kill any person, or with the intent to damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over that property.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) For a violation of subsection (1)(a), the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(b) For a violation of subsection (1)(b) and except as provided in subdivisions (c) to (f), the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(c) If the violation damages the property of another person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$15,000.00, or both.

(d) If the violation causes physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 25 years or a fine of not more than \$20,000.00, or both.

(e) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than \$25,000.00, or both.

(f) Except as provided in sections 25 and 25a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and 769.25a, if the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for life without eligibility for parole and may be fined not more than \$40,000.00, or both.

(3) As used in this section, "Molotov cocktail" means an improvised incendiary device that is constructed from a bottle or other container filled with a flammable or combustible material or substance and that has a wick, fuse, or other device designed or intended to ignite the contents of the device when it is thrown or placed near a target.

**History:** Add. 1966, Act 69, Eff. Mar. 10, 1967;—Am. 1968, Act 280, Eff. July 1, 1968;—Am. 1998, Act 206, Eff. Oct. 1, 1998;—Am. 2003, Act 257, Eff. Jan. 1, 2004;—Am. 2004, Act 523, Eff. Apr. 1, 2005;—Am. 2014, Act 23, Imd. Eff. Mar. 4, 2014.

### **750.212 High explosives; marking.**

Sec. 212. Marking of high explosives—No person shall within this state manufacture, sell, keep or offer for sale any high explosive, which is not marked, branded or stamped as in this section provided.

Every manufacturer of dynamite, or other high explosive, shall put a brand or mark on each case distinctly showing the percentage of disruptive force contained in each cartridge in said case, and the name or trade mark, and the address of said manufacturer.

No person by himself, agents or servants shall sell, keep or offer for sale, any dynamite or other high explosive not branded or marked as provided in this section.

Any person, who shall falsely brand, mark, or stamp any such explosive, or who shall sell, keep or offer for sale, any high explosive bearing any false brand or mark, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.212.

**Former law:** See sections 1 to 4 of Act 101 of 1897, being CL 1897, §§ 5483 to 5486; CL 1915, §§ 7187 and 7203 to 7205; and CL 1929, §§ 8944 to 8947.

### **750.212a Violation as felony; term of imprisonment; definitions.**

Sec. 212a. (1) If a person violates this chapter and the violation is committed in or is directed at a vulnerable target, the person is guilty of a felony punishable by imprisonment for not more than 20 years. The court may order a term of imprisonment imposed under this section to be served consecutively to the term of imprisonment for the underlying violation.

(2) As used in this section, "vulnerable target" means any of the following:

(a) A child care center or day care center as defined in section 1 of 1973 PA 116, MCL 722.111.

(b) A health care facility or agency as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(c) A building or structure open to the general public.

(d) A church, synagogue, mosque, or other place of religious worship.

(e) A public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade 1 through 12.

(f) An institution of higher education.

(g) A stadium.

(h) A transportation structure or facility open to the public, including, but not limited to, a bridge, a tunnel, a public highway, or a railroad.

(i) An airport. As used in this subdivision, "airport" means that term as defined in section 2 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2.

(j) Port facilities. As used in this subdivision, "port facilities" means that term as defined in section 2 of the Hertel-Law-T. Stopczynski port authority act, 1978 PA 639, MCL 120.102.

(k) A public services facility. As used in this subdivision, "public services facility" means any of the following facilities whether publicly or privately owned:

(i) A natural gas refinery, natural gas storage facility, or natural gas pipeline.

(ii) An electric, steam, gas, telephone, power, water, or pipeline facility.

(iii) A nuclear power plant, nuclear reactor facility, or nuclear waste storage facility.

(l) A petroleum refinery, petroleum storage facility, or petroleum pipeline.

(m) A vehicle, locomotive or railroad car, aircraft, or watercraft used to provide transportation services to the public or to provide for the movement of goods in commerce.

(n) A building, structure, or other facility owned or operated by the federal government, by this state, or by a political subdivision or any other instrumentality of this state or of a local unit of government.

**History:** Add. 1998, Act 207, Eff. Oct. 1, 1998;—Am. 2002, Act 116, Eff. Apr. 22, 2002;—Am. 2002, Act 140, Eff. Apr. 22, 2002;—Am. 2003, Act 257, Eff. Jan. 1, 2004.