

SENATE BILL NO. 325

May 03, 2023, Introduced by Senators IRWIN, CHANG, POLEHANKI, WOJNO, BAYER, GEISS and CAVANAGH and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 16, 18, 200i, 204, 207, 209, 210, 211a, 227b, 316, 436, 520b, and 543f (MCL 750.16, 750.18, 750.200i, 750.204, 750.207, 750.209, 750.210, 750.211a, 750.227b, 750.316, 750.436, 750.520b, and 750.543f), sections 16, 18, 200i, 204, 207, 209, 210, 211a, 436, 520b, and 543f as amended by 2014 PA 23, section 227b as amended by 2015 PA 26, and section 316 as amended by 2022 PA 149.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16. (1) Except as otherwise provided in this section, a
2 person who knowingly or recklessly commits any of the following
3 actions is guilty of a felony punishable by imprisonment for not
4 more than 2 years or a fine of not more than \$1,000.00, or both:

5 (a) Adulterates, misbrands, removes, or substitutes a drug or
6 medicine so as to render that drug or medicine injurious to health.

7 (b) Sells, offers for sale, possesses for sale, causes to be
8 sold, or manufactures for sale a drug or medicine that has been
9 adulterated, misbranded, removed, or substituted so as to render it
10 injurious to health.

11 (2) A person who commits a violation of subsection (1) that
12 results in personal injury is guilty of a felony punishable by
13 imprisonment for not more than 4 years or a fine of not more than
14 \$4,000.00, or both.

15 (3) A person who commits a violation of subsection (1) that
16 results in serious impairment of a body function is guilty of a
17 felony punishable by imprisonment for not more than 5 years or a
18 fine of not more than \$5,000.00, or both.

19 (4) A person who commits a violation of subsection (1) that
20 results in death is guilty of a felony punishable by imprisonment
21 for not more than 15 years or a fine of not more than \$20,000.00,
22 or both.

23 (5) Except as provided in sections 25 and 25a of chapter IX of
24 the code of criminal procedure, 1927 PA 175, MCL 769.25 and
25 769.25a, **and subject to subsection (6)**, a person who commits a
26 violation of subsection (1) with the intent to kill or to cause
27 serious impairment of a body function of 2 or more individuals that
28 results in death is guilty of a felony punishable by imprisonment
29 for life without possibility of parole or life without possibility

1 of parole and a fine of not more than \$40,000.00. It is not a
2 defense to a charge under this subsection that the person did not
3 intend to kill a specific individual or did not intend to cause
4 serious impairment of a body function of 2 or more specific
5 individuals.

6 **(6) The mandatory sentence provided for under subsection (5)**
7 **does not apply to a resentencing conducted under sections 27a to**
8 **27h of chapter IX of the code of criminal procedure, 1927 PA 175,**
9 **MCL 769.27a to 769.27h.**

10 (7) ~~(6)~~—As used in this section, "serious impairment of a body
11 function" means that phrase as defined in section 58c of the
12 Michigan vehicle code, 1949 PA 300, MCL 257.58c.

13 (8) ~~(7)~~—This section does not prohibit an individual from
14 being charged with, convicted of, or punished for any other
15 violation of law that is committed by that individual while
16 violating this section.

17 Sec. 18. (1) Except for the purpose of compounding in the
18 necessary preparation of medicine, a person shall not knowingly or
19 recklessly mix, color, stain, or powder, or order or permit another
20 person to mix, color, stain, or powder, a drug or medicine with an
21 ingredient or material so as to injuriously affect the quality or
22 potency of the drug or medicine.

23 (2) A person shall not sell, offer for sale, possess for sale,
24 cause to be sold, or manufacture for sale a drug or medicine mixed,
25 colored, stained, or powdered in the manner proscribed in
26 subsection (1).

27 (3) Except as otherwise provided in this section, a person who
28 violates subsection (1) or (2) is guilty of a felony punishable by
29 imprisonment for not more than 2 years or a fine of not more than

1 \$1,000.00, or both.

2 (4) A person who commits a violation of subsection (1) or (2)
3 that results in personal injury is guilty of a felony punishable by
4 imprisonment for not more than 4 years or a fine of not more than
5 \$4,000.00, or both.

6 (5) A person who commits a violation of subsection (1) or (2)
7 that results in serious impairment of a body function is guilty of
8 a felony punishable by imprisonment for not more than 5 years or a
9 fine of not more than \$5,000.00, or both.

10 (6) A person who commits a violation of subsection (1) or (2)
11 that results in death is guilty of a felony punishable by
12 imprisonment for not more than 15 years or a fine of not more than
13 \$20,000.00, or both.

14 (7) Except as provided in sections 25 and 25a of chapter IX of
15 the code of criminal procedure, 1927 PA 175, MCL 769.25 and
16 769.25a, **and subject to subsection (8)**, a person who commits a
17 violation of subsection (1) or (2) with the intent to kill or to
18 cause serious impairment of a body function of 2 or more
19 individuals that results in death is guilty of a felony punishable
20 by imprisonment for life without possibility of parole or life
21 without possibility of parole and a fine of not more than
22 \$40,000.00. It is not a defense to a charge under this subsection
23 that the person did not intend to kill a specific individual or did
24 not intend to cause serious impairment of a body function of 2 or
25 more specific individuals.

26 **(8) The mandatory sentence provided for under subsection (7)**
27 **does not apply to a resentencing conducted under sections 27a to**
28 **27h of chapter IX of the code of criminal procedure, 1927 PA 175,**
29 **MCL 769.27a to 769.27h.**

1 (9) ~~(8)~~—As used in this section, "serious impairment of a body
2 function" means that phrase as defined in section 58c of the
3 Michigan vehicle code, 1949 PA 300, MCL 257.58c.

4 (10) ~~(9)~~—This section does not prohibit an individual from
5 being charged with, convicted of, or punished for any other
6 violation of law that is committed by that individual while
7 violating this section.

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

11 (a) A harmful biological substance or a harmful biological
12 device.

13 (b) A harmful chemical substance or a harmful chemical device.

14 (c) A harmful radioactive material or a harmful radioactive
15 device.

16 (d) A harmful electronic or electromagnetic device.

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

19 (a) Except as provided in subdivisions (b) to (e), the person
20 is guilty of a felony punishable by imprisonment for not more than
21 15 years or a fine of not more than \$10,000.00, or both.

22 (b) If the violation directly or indirectly results in
23 property damage, the person is guilty of a felony punishable by
24 imprisonment for not more than 20 years or a fine of not more than
25 \$15,000.00, or both.

26 (c) If the violation directly or indirectly results in
27 personal injury to another individual other than serious impairment
28 of a body function or death, the person is guilty of a felony
29 punishable by imprisonment for not more than 25 years or a fine of

1 not more than \$20,000.00, or both.

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

6 (e) Except as provided in sections 25 and 25a of chapter IX of
7 the code of criminal procedure, 1927 PA 175, MCL 769.25 and
8 769.25a, **and subject to subsection (3)**, if the violation directly
9 or indirectly results in the death of another individual, the
10 person is guilty of a felony and shall be punished by imprisonment
11 for life without eligibility for parole and may be fined not more
12 than \$40,000.00, or both.

13 **(3) The mandatory sentence provided for under subsection**
14 **(2) (e) does not apply to a resentencing conducted under sections**
15 **27a to 27h of chapter IX of the code of criminal procedure, 1927 PA**
16 **175, MCL 769.27a to 769.27h.**

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

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

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

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

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

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

12 (e) Except as provided in sections 25 and 25a of chapter IX of
13 the code of criminal procedure, 1927 PA 175, MCL 769.25 and
14 769.25a, **and subject to subsection (3)**, if the violation causes the
15 death of another individual, the person is guilty of a felony and
16 shall be imprisoned for life without eligibility for parole and may
17 be fined not more than \$40,000.00, or both.

18 **(3) The mandatory sentence provided for under subsection**
19 **(2)(e) does not apply to a resentencing conducted under sections**
20 **27a to 27h of chapter IX of the code of criminal procedure, 1927 PA**
21 **175, MCL 769.27a to 769.27h.**

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

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

1 follows:

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

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

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

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

16 (e) Except as provided in sections 25 and 25a of chapter IX of
17 the code of criminal procedure, 1927 PA 175, MCL 769.25 and
18 769.25a, **and subject to subsection (3)**, if the violation causes the
19 death of another individual, the person is guilty of a felony and
20 shall be imprisoned for life without eligibility for parole and may
21 be fined not more than \$40,000.00, or both.

22 **(3) The mandatory sentence provided for under subsection**
23 **(2)(e) does not apply to a resentencing conducted under sections**
24 **27a to 27h of chapter IX of the code of criminal procedure, 1927 PA**
25 **175, MCL 769.27a to 769.27h.**

26 Sec. 209. (1) A person who places an offensive or injurious
27 substance or compound in or near to any real or personal property
28 with intent to wrongfully injure or coerce another person or to
29 injure the property or business of another person, or to interfere

1 with another person's use, management, conduct, or control of ~~his~~
2 ~~or her~~ **the person's** business or property is guilty of a crime as
3 follows:

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

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

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

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

18 (e) Except as provided in sections 25 and 25a of chapter IX of
19 the code of criminal procedure, 1927 PA 175, MCL 769.25 and
20 769.25a, **and subject to subsection (3)**, if the violation causes the
21 death of another individual, the person is guilty of a felony and
22 shall be imprisoned for life without eligibility for parole and may
23 be fined not more than \$40,000.00, or both.

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

29 **(3) The mandatory sentence provided for under subsection**

1 (1) (e) does not apply to a resentencing conducted under sections
2 27a to 27h of chapter IX of the code of criminal procedure, 1927 PA
3 175, MCL 769.27a to 769.27h.

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

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

18 (a) Except as provided in subdivisions (b) to (e), the person
19 is guilty of a felony punishable by imprisonment for not more than
20 15 years or a fine of not more than \$10,000.00, or both.

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

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

28 (d) If the violation causes serious impairment of a body
29 function to another individual, the person is guilty of a felony

1 punishable by imprisonment for life or for any term of years or a
2 fine of not more than \$25,000.00, or both.

3 (e) Except as provided in sections 25 and 25a of chapter IX of
4 the code of criminal procedure, 1927 PA 175, MCL 769.25 and
5 769.25a, **and subject to subsection (3)**, if the violation causes the
6 death of another individual, the person is guilty of a felony and
7 shall be imprisoned for life without eligibility for parole and may
8 be fined not more than \$40,000.00, or both.

9 **(3) The mandatory sentence provided for under subsection**
10 **(2) (e) does not apply to a resentencing conducted under sections**
11 **27a to 27h of chapter IX of the code of criminal procedure, 1927 PA**
12 **175, MCL 769.27a to 769.27h.**

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

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

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

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

27 (a) For a violation of subsection (1) (a) **and except as**
28 **provided in subdivisions (c) to (f)**, the person is guilty of a
29 felony punishable by imprisonment for not more than 4 years or a

1 fine of not more than \$2,000.00, or both.

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

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

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

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

17 (f) Except as provided in sections 25 and 25a of chapter IX of
18 the code of criminal procedure, 1927 PA 175, MCL 769.25 and
19 769.25a, **and subject to subsection (3)**, if the violation causes the
20 death of another individual, the person is guilty of a felony and
21 shall be imprisoned for life without eligibility for parole and may
22 be fined not more than \$40,000.00, or both.

23 **(3) The mandatory sentence provided for under subsection**
24 **(2)(f) does not apply to a resentencing conducted under sections**
25 **27a to 27h of chapter IX of the code of criminal procedure, 1927 PA**
26 **175, MCL 769.27a to 769.27h.**

27 **(4) ~~(3)~~**—As used in this section, "Molotov cocktail" means an
28 improvised incendiary device that is constructed from a bottle or
29 other container filled with a flammable or combustible material or

1 substance and that has a wick, fuse, or other device designed or
2 intended to ignite the contents of the device when it is thrown or
3 placed near a target.

4 Sec. 227b. (1) ~~A—Subject to subsection (5),~~ a person who
5 carries or has in his or her possession a firearm when he or she
6 commits or attempts to commit a felony, except a violation of
7 section 223, 227, 227a, or 230, is guilty of a felony and shall be
8 punished by imprisonment for 2 years. Upon a second conviction
9 under this subsection, the person shall be punished by imprisonment
10 for 5 years. Upon a third or subsequent conviction under this
11 subsection, the person shall be punished by imprisonment for 10
12 years.

13 (2) ~~A—Subject to subsection (5),~~ a person who carries or has
14 in his or her possession a pneumatic gun and uses that pneumatic
15 gun in furtherance of committing or attempting to commit a felony,
16 except a violation of section 223, 227, 227a, or 230, is guilty of
17 a felony and shall be punished by imprisonment for 2 years. Upon a
18 second conviction under this subsection, the person shall be
19 punished by imprisonment for 5 years. Upon a third or subsequent
20 conviction under this subsection, the person shall be punished by
21 imprisonment for 10 years.

22 (3) A term of imprisonment prescribed by this section is in
23 addition to the sentence imposed for the conviction of the felony
24 or the attempt to commit the felony and shall be served
25 consecutively with and preceding any term of imprisonment imposed
26 for the conviction of the felony or attempt to commit the felony.

27 (4) A term of imprisonment imposed under this section shall
28 not be suspended. The person subject to the sentence mandated by
29 this section is not eligible for parole or probation during the

1 mandatory term imposed under subsection (1) or (2).

2 **(5) The mandatory sentences provided for under subsections (1)**
3 **and (2) do not apply to a resentencing conducted under sections 27a**
4 **to 27h of chapter IX of the code of criminal procedure, 1927 PA**
5 **175, MCL 769.27a to 769.27h.**

6 **(6) ~~(5)~~**—This section does not apply to a law enforcement
7 officer who is authorized to carry a firearm while in the official
8 performance of his or her duties and who is in the performance of
9 those duties. As used in this subsection, "law enforcement officer"
10 means a person who is regularly employed as a member of a duly
11 authorized police agency or other organization of the United
12 States, this state, or a city, county, township, or village of this
13 state and who is responsible for the prevention and detection of
14 crime and the enforcement of the general criminal laws of this
15 state.

16 Sec. 316. (1) Except as provided in sections 25 and 25a of
17 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
18 769.25 and 769.25a, **and subject to subsection (4)**, a person who
19 commits any of the following is guilty of first degree murder and
20 shall be punished by imprisonment for life without eligibility for
21 parole:

22 (a) Murder perpetrated by means of poison, lying in wait, or
23 any other willful, deliberate, and premeditated killing.

24 (b) Murder committed in the perpetration of, or attempt to
25 perpetrate, arson, criminal sexual conduct in the first, second, or
26 third degree, child abuse in the first degree, a major controlled
27 substance offense, robbery, carjacking, breaking and entering of a
28 dwelling, home invasion in the first or second degree, larceny of
29 any kind, extortion, kidnapping, vulnerable adult abuse in the

1 first or second degree under section 145n, torture under section
2 85, aggravated stalking under section 411i, or unlawful
3 imprisonment under section 349b.

4 (c) A murder of a peace officer or a corrections officer
5 committed while the peace officer or corrections officer is
6 lawfully engaged in the performance of any of his or her duties as
7 a peace officer or corrections officer, knowing that the peace
8 officer or corrections officer is a peace officer or corrections
9 officer engaged in the performance of his or her duty as a peace
10 officer or corrections officer.

11 (2) Immediately following a conviction under this section, a
12 court shall enter an order committing the convicted person to the
13 jurisdiction of the department of corrections for incarceration in
14 a state correctional facility pending sentencing using a form
15 created by the state court administrative office for this purpose.
16 This order becomes effective if both of the following apply:

17 (a) The sheriff agrees to transport for final sentencing the
18 person from the state correctional facility to the county and from
19 the county back to the state correctional facility.

20 (b) The convicted person was not less than 18 years of age at
21 the time ~~he or she~~ **the person** committed the offense for which ~~he or~~
22 ~~she~~ **the person** was convicted under this section.

23 (3) A court shall hold the sentencing hearing not more than 45
24 days after a person is committed to the department of corrections
25 under subsection (2).

26 (4) **The mandatory sentence provided for under subsection (1)**
27 **does not apply to a resentencing conducted under sections 27a to**
28 **27h of chapter IX of the code of criminal procedure, 1927 PA 175,**
29 **MCL 769.27a to 769.27h.**

1 (5) ~~(4)~~—As used in this section:

2 (a) "Arson" means a felony violation under chapter X.

3 (b) "Corrections officer" means any of the following:

4 (i) A prison or jail guard or other prison or jail personnel.

5 (ii) Any of the personnel of a boot camp, special alternative
6 incarceration unit, or other minimum security correctional
7 facility.

8 (iii) A parole or probation officer.

9 (c) "Major controlled substance offense" means any of the
10 following:

11 (i) A violation of section 7401(2) (a) (i) to (iii) of the public
12 health code, 1978 PA 368, MCL 333.7401.

13 (ii) A violation of section 7403(2) (a) (i) to (iii) of the public
14 health code, 1978 PA 368, MCL 333.7403.

15 (iii) A conspiracy to commit an offense listed in subparagraph
16 (i) or (ii).

17 (d) "Peace officer" means any of the following:

18 (i) A police or conservation officer of this state or a
19 political subdivision of this state.

20 (ii) A police or conservation officer of the United States.

21 (iii) A police or conservation officer of another state or a
22 political subdivision of another state.

23 Sec. 436. (1) A person shall not do either of the following:

24 (a) Willfully mingle a poison or harmful substance with a
25 food, drink, nonprescription medicine, or pharmaceutical product,
26 or willfully place a poison or harmful substance in a spring, well,
27 reservoir, or public water supply, knowing or having reason to know
28 that the food, drink, nonprescription medicine, pharmaceutical
29 product, or water may be ingested or used by a person ~~to his or her~~

1 **and cause injury to the person.**

2 (b) Maliciously inform another person that a poison or harmful
3 substance has been or will be placed in a food, drink,
4 nonprescription medicine, pharmaceutical product, spring, well,
5 reservoir, or public water supply, knowing that the information is
6 false and that it is likely that the information will be
7 disseminated to the public.

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

10 (a) Except as provided in subdivisions (b) to (e), the person
11 is guilty of a felony punishable by imprisonment for not more than
12 15 years or a fine of not more than \$10,000.00, or both.

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

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

20 (d) If the violation causes serious impairment of a body
21 function to another individual, the person is guilty of a felony
22 punishable by imprisonment for life or any term of years or a fine
23 of not more than \$25,000.00, or both. As used in this subdivision,
24 "serious impairment of a body function" means that term as defined
25 in section 58c of the Michigan vehicle code, 1949 PA 300, MCL
26 257.58c.

27 (e) Except as provided in sections 25 and 25a of chapter IX of
28 the code of criminal procedure, 1927 PA 175, MCL 769.25 and
29 769.25a, **and subject to subsection (6)**, if the violation causes the

1 death of another individual, the person is guilty of a felony and
 2 shall be imprisoned for life without eligibility for parole and may
 3 be fined not more than \$40,000.00, or both.

4 (3) A person who violates subsection (1)(b) is guilty of a
 5 crime as follows:

6 (a) Except as provided in subdivision (b), the person is
 7 guilty of a felony punishable by imprisonment for not more than 4
 8 years or a fine of not more than \$2,000.00, or both.

9 (b) If the person has previously been convicted of violating
 10 subsection (1)(b), the person is guilty of a felony punishable by
 11 imprisonment for not more than 10 years or a fine of not more than
 12 \$5,000.00, or both.

13 (4) The court may order a term of imprisonment imposed for a
 14 violation of this section to be served consecutively to a term of
 15 imprisonment imposed for any other violation of law arising out of
 16 the same transaction as the violation of this section.

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

21 **(6) The mandatory sentence provided for under subsection**
 22 **(2)(e) does not apply to a resentencing conducted under sections**
 23 **27a to 27h of chapter IX of the code of criminal procedure, 1927 PA**
 24 **175, MCL 769.27a to 769.27h.**

25 Sec. 520b. (1) A person is guilty of criminal sexual conduct
 26 in the first degree if he or she engages in sexual penetration with
 27 another person and if any of the following circumstances exists:

28 (a) That other person is under 13 years of age.

29 (b) That other person is at least 13 but less than 16 years of

1 age and any of the following:

2 (i) The actor is a member of the same household as the victim.

3 (ii) The actor is related to the victim by blood or affinity to
4 the fourth degree.

5 (iii) The actor is in a position of authority over the victim
6 and used this authority to coerce the victim to submit.

7 (iv) The actor is a teacher, substitute teacher, or
8 administrator of the public school, nonpublic school, school
9 district, or intermediate school district in which that other
10 person is enrolled.

11 (v) The actor is an employee or a contractual service provider
12 of the public school, nonpublic school, school district, or
13 intermediate school district in which that other person is
14 enrolled, or is a volunteer who is not a student in any public
15 school or nonpublic school, or is an employee of this state or of a
16 local unit of government of this state or of the United States
17 assigned to provide any service to that public school, nonpublic
18 school, school district, or intermediate school district, and the
19 actor uses his or her employee, contractual, or volunteer status to
20 gain access to, or to establish a relationship with, that other
21 person.

22 (vi) The actor is an employee, contractual service provider, or
23 volunteer of a child care organization, or a person licensed to
24 operate a foster family home or a foster family group home in which
25 that other person is a resident, and the sexual penetration occurs
26 during the period of that other person's residency. As used in this
27 subparagraph, "child care organization", "foster family home", and
28 "foster family group home" mean those terms as defined in section 1
29 of 1973 PA 116, MCL 722.111.

1 (c) Sexual penetration occurs under circumstances involving
2 the commission of any other felony.

3 (d) The actor is aided or abetted by 1 or more other persons
4 and either of the following circumstances exists:

5 (i) The actor knows or has reason to know that the victim is
6 mentally incapable, mentally incapacitated, or physically helpless.

7 (ii) The actor uses force or coercion to accomplish the sexual
8 penetration. Force or coercion includes, but is not limited to, any
9 of the circumstances listed in subdivision (f).

10 (e) The actor is armed with a weapon or any article used or
11 fashioned in a manner to lead the victim to reasonably believe it
12 to be a weapon.

13 (f) The actor causes personal injury to the victim and force
14 or coercion is used to accomplish sexual penetration. Force or
15 coercion includes, but is not limited to, any of the following
16 circumstances:

17 (i) When the actor overcomes the victim through the actual
18 application of physical force or physical violence.

19 (ii) When the actor coerces the victim to submit by threatening
20 to use force or violence on the victim, and the victim believes
21 that the actor has the present ability to execute these threats.

22 (iii) When the actor coerces the victim to submit by threatening
23 to retaliate in the future against the victim, or any other person,
24 and the victim believes that the actor has the ability to execute
25 this threat. As used in this subdivision, "to retaliate" includes
26 threats of physical punishment, kidnapping, or extortion.

27 (iv) When the actor engages in the medical treatment or
28 examination of the victim in a manner or for purposes that are
29 medically recognized as unethical or unacceptable.

1 (v) When the actor, through concealment or by the element of
2 surprise, is able to overcome the victim.

3 (g) The actor causes personal injury to the victim, and the
4 actor knows or has reason to know that the victim is mentally
5 incapable, mentally incapacitated, or physically helpless.

6 (h) That other person is mentally incapable, mentally
7 disabled, mentally incapacitated, or physically helpless, and any
8 of the following:

9 (i) The actor is related to the victim by blood or affinity to
10 the fourth degree.

11 (ii) The actor is in a position of authority over the victim
12 and used this authority to coerce the victim to submit.

13 (2) Criminal sexual conduct in the first degree is a felony
14 punishable as follows:

15 (a) Except as provided in subdivisions (b) and (c), by
16 imprisonment for life or for any term of years.

17 (b) ~~For~~ **Subject to subsection (4), for** a violation that is
18 committed by an individual 17 years of age or older against an
19 individual less than 13 years of age by imprisonment for life or
20 any term of years, but not less than 25 years.

21 (c) ~~For~~ **Subject to subsection (4), for** a violation that is
22 committed by an individual 18 years of age or older against an
23 individual less than 13 years of age, by imprisonment for life
24 without the possibility of parole if the person was previously
25 convicted of a violation of this section or section 520c, 520d,
26 520e, or 520g committed against an individual less than 13 years of
27 age or a violation of law of the United States, another state or
28 political subdivision substantially corresponding to a violation of
29 this section or section 520c, 520d, 520e, or 520g committed against

1 an individual less than 13 years of age.

2 (d) In addition to any other penalty imposed under subdivision
3 (a) or (b), the court shall sentence the defendant to lifetime
4 electronic monitoring under section 520n.

5 (3) The court may order a term of imprisonment imposed under
6 this section to be served consecutively to any term of imprisonment
7 imposed for any other criminal offense arising from the same
8 transaction.

9 **(4) The mandatory sentences provided for under subsection**
10 **(2) (b) and (c) do not apply to a resentencing conducted under**
11 **sections 27a to 27h of chapter IX of the code of criminal**
12 **procedure, 1927 PA 175, MCL 769.27a to 769.27h.**

13 Sec. 543f. (1) A person is guilty of terrorism when that
14 person knowingly and with premeditation commits an act of
15 terrorism.

16 (2) Terrorism is a felony punishable by imprisonment for life
17 or any term of years or a fine of not more than \$100,000.00, or
18 both. However, except as provided in sections 25 and 25a of chapter
19 IX of the code of criminal procedure, 1927 PA 175, MCL 769.25 and
20 769.25a, **and subject to subsection (3)**, if death was caused by the
21 terrorist act, the person shall be punished by imprisonment for
22 life without eligibility for parole.

23 **(3) The mandatory sentence provided for under subsection (2)**
24 **does not apply to a resentencing conducted under sections 27a to**
25 **27h of chapter IX of the code of criminal procedure, 1927 PA 175,**
26 **MCL 769.27a to 769.27h.**

27 Enacting section 1. This amendatory act does not take effect
28 unless Senate Bill No. 321 of the 102nd Legislature is enacted into
29 law.