

SUBSTITUTE FOR
HOUSE BILL NO. 4513

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 200h (MCL 750.200h), as amended by 2001 PA
135.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 200h. As used in this ~~section and sections 200i to~~
2 ~~200l~~ **chapter:**
3 (a) "Chemical irritant" means solid, liquid, or gas that
4 through its chemical or physical properties, alone or in
5 combination with 1 or more other substances, can be used to
6 produce an irritant effect in humans, animals, or plants.
7 (b) "Chemical irritant device" means a device designed or
8 intended to release a chemical irritant.
9 (c) "Computer", "computer network", and "computer system"
10 mean those terms as defined in section 145d.

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

4 **(e)** ~~-(d)-~~ "For an unlawful purpose" includes, but is not
5 limited to, having the intent to do any of the following:

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

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

12 **(f)** ~~-(e)-~~ "Harmful biological device" means a device designed
13 or intended to release a harmful biological substance.

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

18 **(h)** ~~-(g)-~~ "Harmful chemical device" means a device that is
19 designed or intended to release a harmful chemical substance.

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

25 **(j)** ~~-(i)-~~ "Harmful radioactive material" means material that
26 is radioactive and that can be used to cause death, injury, or
27 disease in humans, animals, or growing plants by its

1 radioactivity.

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

9 **(l) ~~(j)~~ "Harmful radioactive device" means a device that is**
 10 **designed or intended to release a harmful radioactive material.**

11 **(m) ~~(k)~~ "Imitation harmful substance or device" means a**
 12 **substance or device that is designed or intended to represent 1**
 13 **or more of the following or that is alleged to be 1 of the**
 14 **following but that is not any of the following:**

15 **(i) A harmful biological device.**

16 **(ii) A harmful biological substance.**

17 **(iii) A harmful chemical device.**

18 **(iv) A harmful chemical substance.**

19 **(v) A harmful radioactive material.**

20 **(vi) A radioactive device.**

21 **(vii) A harmful electronic or electromagnetic device.**

22 **(n) ~~(l)~~ "Serious impairment of a body function" means that**
 23 **term as defined in section 58c ~~or 625~~ of the Michigan vehicle**
 24 **code, 1949 PA 300, MCL ~~257.625~~ 257.58c.**

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

27 Enacting section 1. This amendatory act takes effect

1 October 1, 2003.

2 Enacting section 2. This amendatory act does not take
3 effect unless House Bill No. 4514 of the 92nd Legislature is
4 enacted into law.