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INCREASE PENALTIES FOR THROWING OR DROPPING OBJECT AT VEHICLES

House Bills 4632 and 4633
Sponsor: Rep. William Van Regenmorter
Committee: Criminal Justice

Complete to 6-23-03

A SUMMARY OF HOUSE BILLS 4632 AND 4633 AS INTRODUCED 5-6-03

The Michigan Penal Code makes it a misdemeanor to throw a stone, brick, or other missile at a passenger train, sleeping car, passenger coach, express car, mail car, baggage car, locomotive, caboose, or freight train or at a street car, trolley car, or motor vehicle. As an unspecified misdemeanor, the penalty is punishable by imprisonment for up to 90 days, a fine of not more than \$500, or both. House Bill 4632 would include “dropping an object” and would create a felony level offense, and House Bill 4633 would place the new felony offenses within the sentencing guidelines. House Bill 4633 is tied-barred to House Bill 4632.

House Bill 4632 would amend the code (MCL 750.394) to also prohibit dropping a stone on the above mentioned vehicles and train cars, replace “missile” with “dangerous object”, and establish a five-tiered penalty structure. If a violation did not result in property damage or injury to a person, a violator would be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100, or both. If the violation caused property damage, the person would be guilty of a misdemeanor punishable by imprisonment for not more than one year, a fine of not more than \$500, or both.

A violation causing injury to any person, but not serious impairment or death, would be a felony punishable by imprisonment for not more than four years, a fine of not more than \$2,000, or both. Causing serious impairment, as defined by the Michigan Vehicle Code (MCL 257.58c), would be a felony punishable by imprisonment for not more than 10 years, a fine of not more than \$5,000, or both. Causing the death of a person would be a felony punishable by imprisonment for not more than 15 years, a fine of \$10,000, or both.

The above penalties could be imposed in addition to any penalty that may be imposed for any other criminal offense that arose from the same conduct or for any contempt of court that arose from the same conduct.

House Bill 4633 would amend the Code of Criminal Procedure (MCL 777.16s) to specify that throwing or dropping a dangerous object at a vehicle causing injury would be a Class F felony against a person with a maximum term of imprisonment of four years. Throwing or dropping a dangerous object at a vehicle causing serious impairment would be a Class D felony against a person with a maximum term of imprisonment of 10 years. (Note: The bill does not contain a corresponding reference to throwing or dropping a dangerous object at a vehicle causing the death of a person.)

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.