

HOUSE BILL No. 4632

May 6, 2003, Introduced by Reps. Van Regenmorter, Nofs, Stakoe, Newell, Meisner, Stahl and Condino and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
 "The Michigan penal code,"
 by amending section 394 (MCL 750.394).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 394. (1) ~~Throwing stone or missile at train,~~
 2 ~~automobile, etc. Any~~ A person ~~who~~ shall **not** throw ~~any~~ **or**
 3 **drop a** stone, brick, or other ~~missile~~ **dangerous object** at ~~any~~
 4 **a** passenger train, sleeping car, passenger coach, express car,
 5 mail car, baggage car, locomotive, caboose, **or** freight train or
 6 at ~~any~~ **a** street car, trolley car, or motor vehicle. ~~—, shall be~~
 7 ~~guilty of a misdemeanor.~~

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

10 (a) Except as provided in subdivisions (b), (c), and (d), the
 11 person is guilty of a misdemeanor punishable by imprisonment for

1 not more than 93 days or a fine of not more than \$100.00, or
2 both.

3 (b) Except as provided in subdivision (c), (d), or (e), if
4 the violation causes property damage, the person is guilty of a
5 misdemeanor punishable by imprisonment for not more than 1 year
6 of a fine of not more than \$500.00, or both.

7 (c) If the violation causes injury to any person, other than
8 serious impairment or death, the person is guilty of a felony
9 punishable by imprisonment for not more than 4 years or a fine of
10 not more than \$2,000.00, or both.

11 (d) If the violation causes serious impairment to any person,
12 the person is guilty of a felony punishable by imprisonment for
13 not more than 10 years or a fine of not more than \$5,000.00, or
14 both.

15 (e) If the violation causes death to any person, the person
16 is guilty of a felony punishable by imprisonment for not more
17 than 15 years or a fine of not more than \$10,000.00, or both.

18 (3) A criminal penalty provided for under this section may be
19 imposed in addition to any penalty that may be imposed for any
20 other criminal offense arising from the same conduct or for any
21 contempt of court arising from the same conduct.

22 (4) As used in this section, "serious impairment" means that
23 term as defined in section 58c of the Michigan vehicle code, 1949
24 PA 300, MCL 257.58c.