

HOUSE BILL NO. 5225

October 25, 2023, Introduced by Reps. O'Neal, Grant, Scott, Brenda Carter, Edwards, Wilson and Dievendorf and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 234b (MCL 750.234b), as amended by 2014 PA 191.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 234b. (1) Except as otherwise provided in this section,
2 an individual who intentionally discharges a firearm at a facility
3 that he or she knows or has reason to believe is a dwelling or a
4 potentially occupied structure, whether or not the dwelling or
5 structure is actually occupied at the time the firearm is
6 discharged, is guilty of a felony punishable by imprisonment for
7 not more than 10 years or a fine of not more than \$10,000.00, or

1 both.

2 (2) An individual who intentionally discharges a firearm in a
3 facility that he or she knows or has reason to believe is a
4 dwelling or a potentially occupied structure, in reckless disregard
5 for the safety of any individual and whether or not the dwelling or
6 structure is actually occupied at the time the firearm is
7 discharged, is guilty of a felony punishable by imprisonment for
8 not more than 10 years or a fine of not more than \$10,000.00, or
9 both.

10 (3) ~~If~~**Except as provided in subsection (4), if** an individual
11 violates subsection (1) or (2) and causes any physical injury to
12 another individual, the individual is guilty of a felony punishable
13 by imprisonment for not more than 15 years or a fine of not more
14 than \$15,000.00, or both.

15 (4) **If an individual violates subsection (1) or (2) and causes**
16 **any physical injury to another individual who is a minor, the**
17 **individual is guilty of a felony punishable by imprisonment for not**
18 **more than 30 years or a fine of not more than \$30,000.00, or both.**

19 (5) ~~(4) If~~**Except as provided in subsection (6), if** an
20 individual violates subsection (1) or (2) and causes the serious
21 impairment of a body function of another individual, the individual
22 is guilty of a felony punishable by imprisonment for not more than
23 20 years or a fine of not more than \$25,000.00, or both.

24 (6) **If an individual violates subsection (1) or (2) and causes**
25 **the serious impairment of a body function of another individual who**
26 **is a minor, the individual is guilty of a felony punishable by**
27 **imprisonment for not more than 40 years or a fine of not more than**
28 **\$50,000.00, or both.**

29 (7) ~~(5) If~~**Except as provided in subsection (8), if** an

1 individual violates subsection (1) or (2) and causes the death of
2 another individual, the individual is guilty of a felony punishable
3 by imprisonment for life or any term of years.

4 **(8) Except as provided in sections 25 and 25a of chapter IX of**
5 **the code of criminal procedure, 1927 PA 175, MCL 769.25 and**
6 **769.25a, if an individual violates subsection (1) or (2) and causes**
7 **the death of another individual who is a minor, the individual is**
8 **guilty of a felony and shall be punished by imprisonment for life**
9 **without eligibility for parole.**

10 **(9) ~~(6)~~**—Subsections (1) and (2) do not apply to a peace
11 officer of this state or another state, or of a local unit of
12 government of this state or another state, or of the United States,
13 performing his or her duties as a peace officer.

14 **(10) ~~(7)~~**—Subsections (1) and (2) do not apply to an individual
15 who discharges a firearm in self-defense or the defense of another
16 individual.

17 **(11) ~~(8)~~**—This section does not prohibit an individual from
18 being charged with, convicted of, or punished for any other
19 violation of law that is committed by that individual while
20 violating this section.

21 **(12) ~~(9)~~**—A term of imprisonment imposed for a violation of
22 this section may run consecutively to any term of imprisonment
23 imposed for another violation arising from the same transaction.

24 **(13) ~~(10)~~**—As used in this section:

25 (a) "Dwelling" means a facility habitually used by 1 or more
26 individuals as a place of abode, whether or not an individual is
27 present in the facility.

28 (b) "Peace officer" means that term as defined in section 215.

29 (c) "Potentially occupied structure" means a structure that a

1 reasonable person knows or should know is likely to be occupied by
2 1 or more individuals due to its nature, function, or location.

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

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.

8 Enacting section 2. This act may be cited as "Messiah's Law".