

Act No. 140
Public Acts of 2002
Approved by the Governor
April 1, 2002
Filed with the Secretary of State
April 1, 2002
EFFECTIVE DATE: April 22, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Reps. Toy, Koetje, Ehardt, Julian, Bishop, Caul, Mead, Gosselin, Gilbert, Faunce, Meyer, Van Woerkom, Woronchak, Birkholz, Hummel, Newell, Voorhees, Drolet, Tabor, Middaugh, Ruth Johnson, Schauer, George, Bisbee, Shackleton, McConico, Lockwood, Kowall, Jelinek, Rocca, Neumann, Bernero, Allen, Sheltroun, DeVuyst, Callahan, Hager, Rivet, Pumford, Zelenko, Lipsey, Phillips, Frank, Jacobs, Basham, Richardville, Kuipers, Pappageorge, Shulman, Whitmer and Cassis Reps. Anderson, Bovin, Cameron Brown, Clarke, Dennis, Hardman, Howell, Kooiman, Lemmons, Mans, Minore, Mortimer, O'Neil, Patterson, Pestka, Richner, Spade, Stamas and Stewart named co-sponsors

ENROLLED HOUSE BILL No. 5511

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 212a (MCL 750.212a), as added by 1998 PA 207.

The People of the State of Michigan enact:

Sec. 212a. (1) If a person violates this chapter and the violation is committed in or is directed at a vulnerable target, the person is guilty of a felony punishable by imprisonment for not more than 20 years. The court may order a term of imprisonment imposed under this section to be served consecutively to the term of imprisonment for the underlying violation.

(2) As used in this section:

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

(b) "Vulnerable target" means any of the following:

(i) A child care center or day care center as defined in section 1 of 1973 PA 116, MCL 722.111.

(ii) A health care facility or agency as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(iii) A building or structure open to the general public.

(iv) A church, synagogue, mosque, or other place of religious worship.

(v) A public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade 1 through 12.

(vi) An institution of higher education.

(vii) A stadium.

(viii) A transportation structure or facility open to the public, including, but not limited to, a bridge, a tunnel, a public highway, or a railroad.

(ix) An airport. As used in this subparagraph, "airport" means that term as defined in section 2 or section 9 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2 and 259.9.

(x) Port facilities. As used in this subparagraph, "port facilities" means that term as defined in section 2 of the Hertel-Law-T. Stopezynski port authority act, 1978 PA 639, MCL 120.102.

(xi) A public services facility. As used in this subparagraph, "public services facility" means any of the following facilities whether publicly or privately owned:

(A) A natural gas refinery, natural gas storage facility, or natural gas pipeline.

(B) An electric, steam, gas, telephone, power, water, or pipeline facility.

(C) A nuclear power plant, nuclear reactor facility, or nuclear waste storage facility.

(xii) A petroleum refinery, petroleum storage facility, or petroleum pipeline.

(xiii) A vehicle, locomotive or railroad car, aircraft, or watercraft used to provide transportation services to the public or to provide for the movement of goods in commerce.

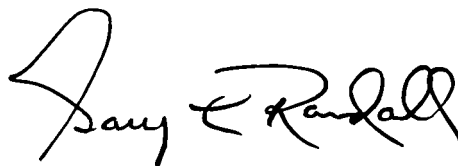
(xiv) A building, structure, or other facility owned or operated by the federal government, by this state, or by a political subdivision or any other instrumentality of this state or of a local unit of government.

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

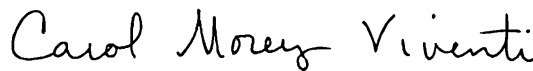
Enacting section 1. This amendatory act takes effect April 22, 2002.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 940 of the 91st Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.