

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5270

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 233, 234, 234a, 234b, 235, and 329 (MCL
750.233, 750.234, 750.234a, 750.234b, 750.235, and 750.329),
section 234a as amended by 1996 PA 163 and section 234b as amended
by 1992 PA 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 233. (1) ~~Intentionally aiming fire arm without malice~~
2 ~~Any~~ A person who ~~shall~~ intentionally ~~,~~ BUT without malice ~~,~~
3 ~~point or aim any fire arm~~ POINTS OR AIMS A FIREARM at or toward
4 ~~any other~~ ANOTHER person ~~,~~ shall be IS guilty of a misdemeanor
5 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF
6 NOT MORE THAN \$500.00, OR BOTH.

7 (2) THIS SECTION DOES NOT APPLY TO A PEACE OFFICER OF THIS

1 STATE OR ANOTHER STATE, OR OF A LOCAL UNIT OF GOVERNMENT OF THIS
2 STATE OR ANOTHER STATE, OR OF THE UNITED STATES, PERFORMING HIS OR
3 HER DUTIES AS A PEACE OFFICER. AS USED IN THIS SECTION, "PEACE
4 OFFICER" MEANS THAT TERM AS DEFINED IN SECTION 215.

5 Sec. 234. (1) ~~Discharge of fire arm intentionally but without~~
6 ~~malice aimed at another Any~~ A person who ~~shall discharge, without~~
7 ~~injury to any other person, any fire arm,~~ **DISCHARGES A FIREARM**
8 while **IT IS** intentionally ~~—~~ **BUT** without malice ~~—~~ aimed at or
9 toward ~~any~~ **ANOTHER** person, ~~shall be~~ **WITHOUT INJURING ANOTHER**
10 **PERSON, IS** guilty of a misdemeanor ~~—~~ punishable by imprisonment
11 ~~in the county jail~~ **FOR** not more than 1 year or ~~by~~ a fine of not
12 more than ~~500 dollars~~ **\$500.00, OR BOTH.**

13 (2) **THIS SECTION DOES NOT APPLY TO A PEACE OFFICER OF THIS**
14 **STATE OR ANOTHER STATE, OR OF A LOCAL UNIT OF GOVERNMENT OF THIS**
15 **STATE OR ANOTHER STATE, OR OF THE UNITED STATES, PERFORMING HIS OR**
16 **HER DUTIES AS A PEACE OFFICER. AS USED IN THIS SECTION, "PEACE**
17 **OFFICER" MEANS THAT TERM AS DEFINED IN SECTION 215.**

18 Sec. 234a. (1) Except as provided in subsection (2) or (3), an
19 individual who intentionally discharges a firearm from a motor
20 vehicle, a snowmobile, or an off-road vehicle in such a manner as
21 to endanger the safety of another individual is guilty of a felony,
22 punishable by imprisonment for not more than 4 years, or a fine of
23 not more than \$2,000.00, or both.

24 (2) Subsection (1) does not apply to a peace officer of this
25 state or another state, or of a local unit of government of this
26 state or another state, or of the United States, performing his or
27 her duties as a peace officer while on or off a scheduled work

1 shift as a peace officer. **AS USED IN THIS SUBSECTION, "PEACE**
2 **OFFICER" MEANS THAT TERM AS DEFINED IN SECTION 215.**

3 (3) Subsection (1) does not apply to an individual who
4 discharges a firearm in self-defense or the defense of another
5 individual.

6 Sec. 234b. (1) Except as provided in subsection (3) or (4), an
7 individual who intentionally discharges a firearm at a facility
8 that he or she knows or has reason to believe is a dwelling or an
9 occupied structure is guilty of a felony, punishable by
10 imprisonment for not more than 4 years, or a fine of not more than
11 \$2,000.00, or both.

12 (2) An individual who intentionally discharges a firearm in a
13 facility that he or she knows or has reason to believe is an
14 occupied structure in reckless disregard for the safety of any
15 individual is guilty of a felony, punishable by imprisonment for
16 not more than 4 years, or a fine of not more than \$2,000.00, or
17 both.

18 (3) Subsections (1) and (2) do not apply to a peace officer of
19 this state or another state, or of a local unit of government of
20 this state or another state, or of the United States, performing
21 his or her duties as a peace officer.

22 (4) Subsections (1) and (2) do not apply to an individual who
23 discharges a firearm in self-defense or the defense of another
24 individual.

25 (5) As used in this section:

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

1 present in the facility.

2 (b) "Occupied structure" means a facility in which 1 or more
3 individuals are present.

4 (C) "PEACE OFFICER" MEANS THAT TERM AS DEFINED IN SECTION 215.

5 Sec. 235. (1) ~~Injuring by discharge of fire arm intentionally~~
6 ~~but without malice pointed at another Any~~ A person who ~~shall maim~~
7 ~~or injure any other~~ MAIMS OR INJURES ANOTHER person by ~~the~~
8 ~~discharge of any fire arm~~ DISCHARGING A FIREARM pointed or aimed
9 intentionally ~~—~~ BUT without malice ~~—~~ at ~~any such~~ ANOTHER
10 person ~~shall be~~ IS guilty of a misdemeanor ~~—~~ punishable by
11 imprisonment ~~in the county jail~~ FOR not more than 1 year or ~~by~~
12 a fine of not more than ~~500 dollars~~ \$500.00, OR BOTH.

13 (2) THIS SECTION DOES NOT APPLY TO A PEACE OFFICER OF THIS
14 STATE OR ANOTHER STATE, OR OF A LOCAL UNIT OF GOVERNMENT OF THIS
15 STATE OR ANOTHER STATE, OR OF THE UNITED STATES, PERFORMING HIS OR
16 HER DUTIES AS A PEACE OFFICER. AS USED IN THIS SECTION, "PEACE
17 OFFICER" MEANS THAT TERM AS DEFINED IN SECTION 215.

18 Sec. 329. (1) ~~Death from wound, etc., from firearm pointed~~
19 ~~intentionally, but without malice Any~~ A person who ~~shall wound,~~
20 ~~maim or injure any other~~ WOUNDS, MAIMS, OR INJURES ANOTHER person
21 by ~~the discharge of any~~ DISCHARGING A firearm ~~—~~ THAT IS pointed
22 or aimed ~~—~~ intentionally but without malice ~~—~~ at ~~any such~~
23 ANOTHER person ~~—~~, shall, ~~if death ensue from such wounding, maiming~~
24 ~~or injury, be deemed~~ IS guilty of ~~the crime of~~ manslaughter IF
25 THE WOUNDS, MAIMING, OR INJURIES RESULT IN DEATH.

26 (2) THIS SECTION DOES NOT APPLY TO A PEACE OFFICER OF THIS
27 STATE OR ANOTHER STATE, OR OF A LOCAL UNIT OF GOVERNMENT OF THIS

1 STATE OR ANOTHER STATE, OR OF THE UNITED STATES, PERFORMING HIS OR
2 HER DUTIES AS A PEACE OFFICER. AS USED IN THIS SECTION, "PEACE
3 OFFICER" MEANS THAT TERM AS DEFINED IN SECTION 215.