

Act No. 256
Public Acts of 2003
Approved by the Governor
December 28, 2003
Filed with the Secretary of State
December 29, 2003
EFFECTIVE DATE: January 1, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Nofs, Gaffney, Stakoe, Garfield, Stahl, Wenke, Van Regenmorter, Robertson, Ruth Johnson, Rocca, Howell, Taub, Caswell, Richardville, Palsrok, Caul, Hune, Newell, DeRoche, Bisbee, Middaugh, Brandenburg, Acciavatti, LaJoy, Pastor, Casperson, Tabor, Drolet, Milosch, Bieda, Lipsey, Gielegem, Meisner, Moolenaar and Ward

ENROLLED HOUSE BILL No. 4513

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 200h (MCL 750.200h), as amended by 2001 PA 135.

The People of the State of Michigan enact:

Sec. 200h. As used in this chapter:

- (a) "Chemical irritant" means solid, liquid, or gas that through its chemical or physical properties, alone or in combination with 1 or more other substances, can be used to produce an irritant effect in humans, animals, or plants.
- (b) "Chemical irritant device" means a device designed or intended to release a chemical irritant.
- (c) "Computer", "computer network", and "computer system" mean those terms as defined in section 145d.
- (d) "Deliver" means that actual or constructive transfer of a substance or device from 1 person to another regardless of any agency relationship.
- (e) "For an unlawful purpose" includes, but is not limited to, having the intent to do any of the following:
 - (i) Frighten, terrorize, intimidate, threaten, harass, injure, or kill any person.
 - (ii) Damage or destroy any real or personal property without the permission of the property owner or, if the property is public property, without the permission of the governmental agency having authority over the property.
- (f) "Harmful biological device" means a device designed or intended to release a harmful biological substance.
- (g) "Harmful biological substance" means a bacteria, virus, or other microorganism or a toxic substance derived from or produced by an organism that can be used to cause death, injury, or disease in humans, animals, or plants.
- (h) "Harmful chemical device" means a device that is designed or intended to release a harmful chemical substance.
- (i) "Harmful chemical substance" means a solid, liquid, or gas that through its chemical or physical properties, alone or in combination with 1 or more other chemical substances, can be used to cause death, injury, or disease in humans, animals, or plants.

(j) "Harmful radioactive material" means material that is radioactive and that can be used to cause death, injury, or disease in humans, animals, or growing plants by its radioactivity.

(k) "Harmful electronic or electromagnetic device" means a device designed to emit or radiate or that, as a result of its design, emits or radiates an electronic or electromagnetic pulse, current, beam, signal, or microwave that is intended to cause harm to others or cause damage to, destroy, or disrupt any electronic or telecommunications system or device, including, but not limited to, a computer, computer network, or computer system.

(l) "Harmful radioactive device" means a device that is designed or intended to release a harmful radioactive material.

(m) "Imitation harmful substance or device" means a substance or device that is designed or intended to represent 1 or more of the following or that is alleged to be 1 of the following but that is not any of the following:

- (i) A harmful biological device.
- (ii) A harmful biological substance.
- (iii) A harmful chemical device.
- (iv) A harmful chemical substance.
- (v) A harmful radioactive material.
- (vi) A radioactive device.
- (vii) A harmful electronic or electromagnetic device.

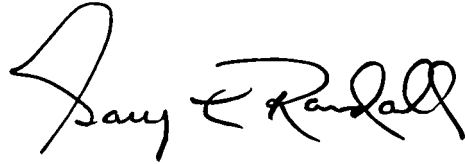
(n) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

(o) "Telecommunications system" means that term as defined in section 219a.

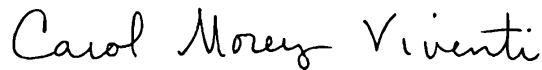
Enacting section 1. This amendatory act takes effect January 1, 2004.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4514 of the 92nd 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