



**House
Legislative
Analysis
Section**

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**PROHIBIT HARMFUL ELECTRONIC
OR ELECTROMAGNETIC DEVICES**

House Bill 4513

Sponsor: Rep. Mike Nofs

House Bill 4514

**Sponsor: Rep. William Van Regenmorter
Committee: Criminal Justice**

Complete to 5-19-03

A SUMMARY OF HOUSE BILLS 4513 AND 4514 AS INTRODUCED 4-2-03

The bills would amend provisions contained in Chapter 33 of the Michigan Penal Code entitled “Explosives and Bombs, and Harmful Devices” to define the term “harmful electronic or electromagnetic device” and to prohibit the manufacture or use of such a device. The bills are tie-barred to each other. Specifically, the bills would do the following:

House Bill 4513 would amend the penal code (MCL 750.200h) to define “harmful electronic or electromagnetic device” as a device designed to emit or radiate an electronic or electromagnetic pulse or signal or microwave intended to cause harm to others or cause damage to, destroy, or disrupt any electronic or telecommunications system or device including a computer or computer network. The bill would also include a harmful electronic or electromagnetic device in the definition of “imitation harmful substance or device.” Further, Section 200h currently defines “serious impairment of a body function” as meaning that term as defined by Section 58c of the Michigan Vehicle Code. This definition would be deleted and replaced by the full definition as contained in the vehicle code.

House Bill 4514 would amend the penal code (MCL 750.200i et al.) to make it a crime to manufacture, deliver, possess, transport, place, use, or release a harmful electronic or electromagnetic device for an unlawful purpose. This would be in addition to the current prohibitions for harmful biological substances or devices, harmful chemical substances or devices, and harmful radioactive materials or devices. The penalty would be the same as currently allowed (penalties range from imprisonment for not more than 15 years and a fine of not more than \$10,000, or both to life without parole and a fine up to \$40,000). In addition, the bill would specify that the penalties would apply whether the violation resulted directly or indirectly in property damage or in personal injury, serious impairment, or death to another person.

Similarly, it would also be prohibited to cause an individual to falsely believe that he or she had been exposed to a harmful electronic or electromagnetic device just as it is currently prohibited to do so regarding a harmful biological substance or device, harmful chemical substance or device, or harmful radioactive material or device. The penalty for this crime would remain the same as for the others at imprisonment for not more than five years, a fine of not more than \$10,000, or both.

House Bill 4513 and 4514 (5-19-03)

Lastly, the bill would delete several redundant provisions. For instance, the act requires a court to impose costs on a person who led others to falsely believe that they had been exposed to harmful substances or devices to reimburse a governmental agency for its expenses incurred as a result of the violation. This provision is unnecessary as the Code of Criminal Procedure requires a court, as part of a person's sentence for a conviction of any violation or attempted violation of Chapter 33 of the penal code, to order the person to reimburse any governmental entity for expenses incurred in relation to the incident including, but not limited to, expenses for an emergency response and expenses for prosecuting the person. Also, several sections of Chapter 33 contain definitions of the term "serious impairment of a body function." Since House Bill 4513 would fully define this term in Section 200h, these provisions are unnecessary and repetitive.

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■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.