

SUBSTITUTE FOR
SENATE BILL NO. 1017

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 81f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 81F. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
2 PERSON WHO ASSAULTS OR ASSAULTS AND BATTERS AN INDIVIDUAL WITH A
3 DEVELOPMENTAL DISABILITY, MENTAL ILLNESS, OR COGNITIVE IMPAIRMENT
4 AND WHO KNOWS THE INDIVIDUAL HAS A DEVELOPMENTAL DISABILITY, MENTAL
5 ILLNESS, OR COGNITIVE IMPAIRMENT IS GUILTY OF A MISDEMEANOR
6 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
7 NOT MORE THAN \$1,000.00, OR BOTH.

8 (2) A PERSON WHO COMMITS AN ASSAULT OR AN ASSAULT AND BATTERY
9 IN VIOLATION OF SUBSECTION (1) AND WHO HAS 1 OR MORE PREVIOUS
10 CONVICTIONS FOR VIOLATING SUBSECTION (1) OR AN ORDINANCE OF A

1 POLITICAL SUBDIVISION OF THIS STATE OR OF ANOTHER STATE
2 SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1) IS GUILTY OF A FELONY
3 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF
4 NOT MORE THAN \$5,000.00, OR BOTH.

5 (3) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL USING
6 NECESSARY REASONABLE PHYSICAL FORCE IN COMPLIANCE WITH SECTION 1312
7 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1312.

8 (4) AS USED IN THIS SECTION:

9 (A) "DEVELOPMENTAL DISABILITY" MEANS THAT TERM AS DEFINED IN
10 SECTION 520A(B) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
11 750.520A.

12 (B) "MENTAL ILLNESS" MEANS THAT TERM AS DEFINED IN SECTION
13 1001A OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.2001A.

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