

SUBSTITUTE FOR
SENATE BILL NO. 1080

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 411x.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 411X. (1) A DETAINEE OR PRISONER IN A HOLDING CELL,
2 HOLDING CENTER, LOCKUP, JAIL, OR CORRECTIONAL INSTITUTION WHO
3 THROWS OR ATTEMPTS TO THROW ANY BODILY MATERIAL ON ANY EMPLOYEE OR
4 VOLUNTEER WHO IS PERFORMING HIS OR HER DUTIES IN THAT HOLDING CELL,
5 HOLDING CENTER, LOCKUP, JAIL, OR CORRECTIONAL INSTITUTION, OR WHO
6 OTHERWISE CAUSES OR ATTEMPTS TO CAUSE ANY EMPLOYEE OR VOLUNTEER WHO
7 IS PERFORMING HIS OR HER DUTIES IN THAT HOLDING CELL, HOLDING
8 CENTER, LOCKUP, JAIL, OR CORRECTIONAL INSTITUTION TO COME INTO
9 CONTACT WITH ANY BODILY MATERIAL, IS GUILTY OF A FELONY PUNISHABLE
10 BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE

1 THAN \$2,000.00, OR BOTH.

2 (2) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
3 CHARGED WITH, CONVICTED OF, AND SENTENCED FOR ANY OTHER VIOLATION
4 OF LAW IN LIEU OF BEING CHARGED WITH, CONVICTED OF, AND SENTENCED
5 FOR A VIOLATION OF THIS SECTION.

6 (3) AS USED IN THIS SECTION:

7 (A) "BODILY MATERIAL" MEANS BLOOD, URINE, SALIVA, FECES, OR
8 SEMEN.

9 (B) "CORRECTIONAL INSTITUTION" MEANS A STATE PRISON, PRISON
10 FACILITY, OR OTHER PRISON INSTITUTION, CORRECTIONAL CAMP, COMMUNITY
11 CORRECTIONS CENTER, CORRECTIONAL FARM, STATE REFORMATORY, OR
12 PROBATION RECOVERY CAMP, OWNED, OPERATED, LEASED, SUPERVISED, OR
13 CONTRACTED FOR BY THIS STATE.

14 (C) "HOLDING CELL", "HOLDING CENTER", "LOCKUP", AND "JAIL"
15 MEAN THOSE TERMS AS DEFINED IN SECTION 62 OF THE CORRECTIONS CODE
16 OF 1953, 1953 PA 232, MCL 791.262.