



# HOUSE BILL No. 5806

April 25, 1996, Introduced by Reps. Bodem, Profit, DeHart, McBryde, Hill, Geiger, London, Law, Brackenridge, Yokich, Oxender, Goschka, Dalman, McNutt, Voorhees, Hammerstrom, Pitoniak and Kukuk and referred to the Committee on Judiciary and Civil Rights.

A bill to amend sections 479 and 479a of Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

section 479a as amended by Act No. 407 of the Public Acts of 1988, being sections 750.479 and 750.479a of the Michigan Compiled Laws; and to add section 81c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 479 and 479a of Act No. 328 of the  
2 Public Acts of 1931, section 479a as amended by Act No. 407 of  
3 the Public Acts of 1988, being sections 750.479 and 750.479a of  
4 the Michigan Compiled Laws, are amended and section 81c is added  
5 to read as follows:

6       SEC. 81C. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), AN  
7 INDIVIDUAL WHO ASSAULTS OR BATTERS A PEACE OFFICER IS GUILTY OF A

1 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A  
2 FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

3 (2) AN INDIVIDUAL WHO ASSAULTS OR BATTERS A PEACE OFFICER  
4 AND BY THAT ASSAULT OR BATTERY INFLECTS PHYSICAL INJURY ON THAT  
5 PEACE OFFICER IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT  
6 FOR 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH. THIS  
7 SUBSECTION DOES NOT PROHIBIT THE INDIVIDUAL FROM BEING PROSECUTED  
8 UNDER ANY OTHER APPLICABLE LAW IN LIEU OF BEING PROSECUTED UNDER  
9 THIS SECTION.

10 (3) AS USED IN THIS SECTION, "PEACE OFFICER" MEANS ANY OF  
11 THE FOLLOWING:

12 (A) A POLICE OFFICER OF THIS STATE OR OF A POLITICAL SUBDI-  
13 VISION OF THIS STATE.

14 (B) A POLICE OFFICER OF ANOTHER STATE OR OF A POLITICAL SUB-  
15 DIVISION OF ANOTHER STATE.

16 (C) A POLICE OFFICER OF ANY ENTITY OF THE UNITED STATES.

17 (D) THE SHERIFF OF A COUNTY OF THIS STATE OR THE SHERIFF'S  
18 DEPUTY.

19 (E) THE SHERIFF OF A COUNTY OF ANOTHER STATE OR THE  
20 SHERIFF'S DEPUTY.

21 (F) A PUBLIC SAFETY OFFICER OF A COLLEGE OR UNIVERSITY WHO  
22 IS AUTHORIZED BY THE GOVERNING BOARD OF THAT COLLEGE OR UNIVER-  
23 SITY TO ENFORCE THE LAW OF THIS STATE OR OF ANOTHER STATE AND THE  
24 RULES AND ORDINANCES OF THAT COLLEGE OR UNIVERSITY.

25 (G) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL  
26 RESOURCES.

1 (H) A CONSERVATION OFFICER OF ANOTHER STATE.

2 (I) A CONSERVATION OFFICER OF THE UNITED STATES DEPARTMENT  
3 OF INTERIOR.

4 Sec. 479. (1) ~~Resisting, etc., officer in discharge of~~  
5 ~~duty~~ Any A person ~~who shall knowingly~~ SHALL NOT DO ANY OF THE  
6 FOLLOWING:

7 (A) KNOWINGLY and ~~wilfully~~ WILLFULLY obstruct, resist, or  
8 oppose ~~any~~ A sheriff, coroner, township treasurer, constable,  
9 or other officer or ~~person~~ duly authorized ~~, in~~ PERSON serv-  
10 ing ~~, or~~ attempting to serve or execute any process, rule, or  
11 order made or issued by lawful authority. ~~, or who shall resist~~  
12 ~~any~~

13 (B) RESIST AN officer ~~in the execution of any~~ ENFORCING AN  
14 ordinance, ~~by~~ law, ~~or any~~ rule, order, or resolution ~~made,~~  
15 ~~issued, or passed by~~ OF the common council of ~~any~~ A city board  
16 of trustees, ~~or~~ THE common council or village council of ~~any~~  
17 AN incorporated village, or A township board of any township. ~~or~~  
18 ~~who shall assault~~

19 (C) ASSAULT, beat, or wound ~~any sheriff,~~ A coroner, town-  
20 ship treasurer, ~~constable~~ or other ~~officer~~ duly authorized ~~, or~~  
21 ~~while~~ OFFICER OTHER THAN A PEACE OFFICER serving ~~, or~~ attempt-  
22 ing to serve or execute any ~~such~~ process, rule, or order  
23 DESCRIBED IN THIS SECTION, or for having served ~~, or~~ attempted  
24 to serve or execute ~~the same, or who shall so obstruct,~~ ANY  
25 PROCESS, RULE, OR ORDER DESCRIBED IN THIS SECTION.

26 (D) OBSTRUCT, resist, oppose, assault, beat, or wound any  
27 ~~of the above named officers,~~ OF THE INDIVIDUALS DESCRIBED IN

1 THIS SECTION or any other ~~person or persons~~ INDIVIDUAL  
2 authorized by law to maintain and preserve the peace, in ~~their~~  
3 HIS OR HER lawful acts, attempts, ~~and~~ OR efforts to maintain,  
4 preserve, and keep the peace. ~~, shall be~~

5 (2) A PERSON WHO VIOLATES THIS SECTION IS guilty of a misde-  
6 meanor ~~, punishable by imprisonment in the state prison~~ FOR  
7 not more than 2 years ~~, or by~~ a fine of not more than ~~1,000~~  
8 ~~dollars~~ \$1,000.00, OR BOTH.

9 Sec. 479a. (1) A driver of a motor vehicle who is given by  
10 hand, voice, emergency light, or siren a visual or audible signal  
11 by a police or conservation officer, acting in the lawful per-  
12 formance of his or her duty, directing the driver to bring his or  
13 her motor vehicle to a stop, and who willfully fails to obey that  
14 direction by increasing the speed of the vehicle, extinguishing  
15 the lights of the vehicle, or otherwise attempting to flee or  
16 elude the police or conservation officer, is guilty of a misde-  
17 meanor, and shall be punished by imprisonment for not less than  
18 30 days ~~nor~~ OR more than 1 year ~~, and , in addition,~~ may be  
19 fined not more than \$1,000.00, ~~and may be ordered~~ OR BOTH. THE  
20 COURT MAY ORDER THE PERSON to pay the costs of prosecution. The  
21 court may depart from the minimum term of imprisonment authorized  
22 under this subsection if the court finds on the record that there  
23 are substantial and compelling reasons to do so and ~~if~~ the  
24 court imposes community service as a part of the sentence.

25 (2) Subsection (1) does not apply unless the police or con-  
26 servation officer giving the signal is in uniform, and the  
27 vehicle driven by the police or conservation officer is

1 identified as an official police or department of natural  
2 resources vehicle.

3 ~~(3) A person who forcibly assaults or commits a bodily~~  
4 ~~injury which requires medical care or attention upon a peace or~~  
5 ~~police officer of this state while the peace or police officer is~~  
6 ~~engaged in making a lawful arrest, knowing him or her to be a~~  
7 ~~peace or police officer, is guilty of a misdemeanor, punishable~~  
8 ~~by a fine of not more than \$1,000.00, or by imprisonment for not~~  
9 ~~more than 2 years, or both.~~

10 (3) ~~(4)~~ A person who violates subsection (1) within 5  
11 years of a prior conviction ~~of a violation of~~ FOR VIOLATING  
12 subsection (1) is guilty of a felony ~~,~~ and shall be punished by  
13 imprisonment for ~~a mandatory minimum term of~~ not less than 1  
14 year ~~and a maximum term of not~~ OR more than 4 years ~~,~~ and ~~by~~  
15 ~~a fine of~~ MAY BE FINED not more than \$10,000.00, ~~together with~~  
16 OR BOTH. THE COURT MAY ORDER THE PERSON TO PAY the costs of the  
17 prosecution.

18 (4) ~~(5)~~ The driver of a motor vehicle who attempts to flee  
19 or elude a police or conservation officer in violation of subsec-  
20 tion (1) and while attempting to ~~so~~ flee or elude THAT POLICE  
21 OFFICER OR CONSERVATION OFFICER causes serious bodily injury to a  
22 person ~~,~~ is guilty of a felony ~~,~~ and shall be punished by  
23 imprisonment for ~~a minimum term of~~ not less than 1 year ~~and a~~  
24 ~~maximum term of not~~ OR more than 4 years ~~,~~ and ~~by a fine of~~  
25 MAY BE FINED not more than \$10,000.00, ~~together with~~ OR BOTH.  
26 THE COURT MAY ORDER THE PERSON TO PAY the costs of the  
27 prosecution. The court may depart from the minimum term of

1 imprisonment authorized under this subsection if the court finds  
2 on the record that there are substantial and compelling reasons  
3 to do so and ~~if~~ the court imposes community service as a part  
4 of the sentence.

5       (5) ~~(6)~~ As part of the sentence for a violation of  
6 subsection (1), ~~(4)~~ (3), or ~~(5)~~ (4), the court shall order  
7 the secretary of state to suspend the person's operator's or  
8 chauffeur's license for ~~a period of~~ 1 year. The person ~~shall~~  
9 IS not ~~be~~ eligible to receive a restricted license during the  
10 first 6 months of the ~~period of~~ suspension PERIOD. If a term  
11 of imprisonment is served as a part of the sentence, the ~~period~~  
12 ~~of~~ suspension ~~of the person's license shall begin~~ PERIOD  
13 BEGINS after the completion of the term of imprisonment.

14       (6) ~~(7)~~ As used in this section, "serious bodily injury"  
15 means serious impairment of a body function or permanent serious  
16 disfigurement.