

REPRINT

SENATE SUBSTITUTE FOR

HOUSE BILL NO. 5442

(As passed the Senate April 17, 2002)

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 241, 479, 479a, and 543h (MCL 750.241,
750.479, 750.479a, and 750.543h), section 479a as amended by 1998
PA 344 and section 543h as added by 2002 PA 113.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 241. ~~-(1) Any person who shall knowingly and wilfully~~
2 ~~hinder, obstruct, endanger or interfere with any fireman in the~~
3 ~~performance of his duties is guilty of a felony.~~

4 (1) ~~-(2)-~~ Any person who, while in the vicinity of any fire,
5 ~~-wilfully-~~ WILLFULLY disobeys any reasonable order or rule of the
6 officer commanding any fire department at ~~-such-~~ THE fire, when
7 ~~-such-~~ THE order or rule is given by the commanding officer or a
8 ~~-fireman-~~ FIREFIGHTER there present, is guilty of a misdemeanor.

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1 (2) ~~(3)~~ During a riot ~~,~~ or other civil disturbance, any
2 person who ~~shall~~ knowingly and ~~wilfully hinder, obstruct,~~
3 ~~endanger or interfere~~ WILLFULLY HINDERS, OBSTRUCTS, ENDANGERS,
4 OR INTERFERES with any person who is engaged in the operation,
5 installation, repair, or maintenance of any essential public
6 service facility, including a facility for the transmission of
7 electricity, gas, telephone messages, or water, is guilty of a
8 felony.

9 Sec. 479. (1) ~~Resisting, etc., officer in discharge of~~
10 ~~duty--Any~~ A person ~~who~~ shall NOT knowingly and ~~wilfully~~
11 WILLFULLY DO ANY OF THE FOLLOWING:

12 (A) ASSAULT, BATTER, WOUND, obstruct, ~~resist or oppose any sher-~~
13 ~~iff, coroner,~~ OR ENDANGER A MEDICAL EXAMINER, township treasur-
14 er, ~~constable~~ JUDGE, MAGISTRATE, PROBATION OFFICER, PAROLE
15 OFFICER, PROSECUTOR, CITY ATTORNEY, COURT EMPLOYEE, COURT
16 OFFICER, or other officer or ~~person~~ duly authorized ~~, in~~
17 PERSON serving ~~,~~ or attempting to serve or execute any process,
18 rule, or order made or issued by lawful authority ~~, or who shall~~
19 ~~resist any~~ OR OTHERWISE ACTING IN THE PERFORMANCE OF HIS OR HER
20 DUTIES.

21 (B) ASSAULT, BATTER, WOUND, OBSTRUCT, OR ENDANGER AN officer ~~in~~
22 ~~the execution of any~~ ENFORCING AN ordinance, ~~by~~ law, ~~or any~~
23 rule, order, or resolution ~~made, issued, or passed by~~ OF the
24 common council of ~~any~~ A city board of trustees, ~~or~~ THE common
25 council or village council of ~~any~~ AN incorporated village, or A
26 township board of ~~any~~ A township. ~~or who shall assault, beat~~
27 ~~or wound any sheriff, coroner, township treasurer, constable or~~

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1 ~~other officer duly authorized, while serving, or attempting to~~
2 ~~serve or execute any such process, rule or order, or for having~~
3 ~~served, or attempted to serve or execute the same, or who shall~~
4 ~~so obstruct, resist, oppose, assault, beat or wound any of the~~
5 ~~above named officers, or any other person or persons authorized~~
6 ~~by law to maintain and preserve the peace, in their lawful acts,~~
7 ~~attempts and efforts to maintain, preserve and keep the peace,~~
8 ~~shall be~~

9 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (3), (4), AND (5), A
10 PERSON WHO VIOLATES THIS SECTION IS guilty of a ~~misdemeanor,~~
11 FELONY punishable by imprisonment ~~in the state prison~~ FOR not
12 more than 2 years ~~,~~ or ~~by~~ a fine of not more than ~~1,000~~
13 ~~dollars~~ \$2,000.00, OR BOTH.

14 (3) A PERSON WHO VIOLATES THIS SECTION AND BY THAT VIOLATION
15 CAUSES A BODILY INJURY REQUIRING MEDICAL ATTENTION OR MEDICAL
16 CARE TO AN INDIVIDUAL DESCRIBED IN THIS SECTION IS GUILTY OF A
17 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
18 FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

19 (4) A PERSON WHO VIOLATES THIS SECTION AND BY THAT VIOLATION
20 CAUSES SERIOUS IMPAIRMENT OF A BODY FUNCTION OF AN INDIVIDUAL
21 DESCRIBED IN THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY
22 IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE
23 THAN \$10,000.00, OR BOTH.

24 (5) A PERSON WHO VIOLATES THIS SECTION AND BY THAT VIOLATION
25 CAUSES THE DEATH OF AN INDIVIDUAL DESCRIBED IN THIS SECTION IS
26 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
27 20 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR BOTH.

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1 (6) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING
2 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION
3 OF LAW THAT IS COMMITTED BY THAT INDIVIDUAL WHILE VIOLATING THIS
4 SECTION.

5 (7) THE COURT MAY ORDER A TERM OF IMPRISONMENT FOR A VIOLA-
6 TION OF THIS SECTION TO BE SERVED CONSECUTIVELY TO ANY OTHER TERM
7 OF IMPRISONMENT IMPOSED FOR A VIOLATION ARISING OUT OF THE SAME
8 CRIMINAL TRANSACTION AS THE VIOLATION OF THIS SECTION.

9 (8) AS USED IN THIS SECTION:

10 (A) "OBSTRUCT" INCLUDES THE USE OR THREATENED USE OF PHYSI-
11 CAL INTERFERENCE OR FORCE OR A KNOWING FAILURE TO COMPLY WITH A
12 LAWFUL COMMAND.

13 (B) "SERIOUS IMPAIRMENT OF A BODY FUNCTION" MEANS THAT TERM
14 AS DEFINED IN SECTION 58C OF THE MICHIGAN VEHICLE CODE, 1949 PA
15 300, MCL 257.58C.

16 Sec. 479a. (1) A driver of a motor vehicle who is given by
17 hand, voice, emergency light, or siren a visual or audible signal
18 by a police or conservation officer, acting in the lawful per-
19 formance of his or her duty, directing the driver to bring his or
20 her motor vehicle to a stop shall not willfully fail to obey that
21 direction by increasing the speed of the vehicle, extinguishing
22 the lights of the vehicle, or otherwise attempting to flee or
23 elude the police or conservation officer. This subsection does
24 not apply unless the police or conservation officer giving the
25 signal is in uniform and the officer's vehicle is identified as
26 an official police or department of natural resources vehicle.

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1 (2) Except as provided in subsection (3), (4), or (5), an
2 individual who violates subsection (1) is guilty of fourth-degree
3 fleeing and eluding, a felony punishable by imprisonment for not
4 more than 2 years or a fine of not more than ~~-\$500.00-~~ \$2,000.00,
5 or both.

6 (3) Except as provided in subsection (4) or (5), an individ-
7 ual who violates subsection (1) is guilty of third-degree fleeing
8 and eluding, a felony punishable by imprisonment for not more
9 than 5 years or a fine of not more than ~~-\$1,000.00-~~ \$5,000.00, or
10 both, if 1 or more of the following circumstances apply:

11 (a) The violation results in a collision or accident.

12 (b) A portion of the violation occurred in an area where the
13 speed limit is 35 miles an hour or less, whether that speed limit
14 is posted or imposed as a matter of law.

15 (c) The individual has a prior conviction for fourth-degree
16 fleeing and eluding, attempted fourth-degree fleeing and eluding,
17 or fleeing and eluding under a current or former law of this
18 state prohibiting substantially similar conduct.

19 (4) Except as provided in subsection (5), an individual who
20 violates subsection (1) is guilty of second-degree fleeing and
21 eluding, a felony punishable by imprisonment for not more than 10
22 years or a fine of not more than ~~-\$5,000.00-~~ \$10,000.00, or both,
23 if 1 or more of the following circumstances apply:

24 (a) The violation results in serious ~~injury to~~ IMPAIRMENT
25 OF A BODY FUNCTION OF an individual.

26 (b) The individual has 1 or more prior convictions for
27 first-, second-, or third-degree fleeing and eluding, attempted

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1 first-, second-, or third-degree fleeing and eluding, or fleeing
2 and eluding under a current or former law of this state prohibit-
3 ing substantially similar conduct.

4 (c) The individual has any combination of 2 or more prior
5 convictions for fourth-degree fleeing and eluding, attempted
6 fourth-degree fleeing and eluding, or fleeing and eluding under a
7 current or former law of this state prohibiting substantially
8 similar conduct.

9 (5) If the violation results in the death of another indi-
10 vidual, an individual who violates subsection (1) is guilty of
11 first-degree fleeing and eluding, a felony punishable by impris-
12 onment for not more than 15 years or a fine of not more than
13 ~~-\$10,000.00-~~ \$15,000.00, or both.

14 ~~-(6) An individual who forcibly assaults or commits a bodily~~
15 ~~injury requiring medical care or attention upon a peace or police~~
16 ~~officer of this state while the peace or police officer is~~
17 ~~engaged in making a lawful arrest, knowing him or her to be a~~
18 ~~peace or police officer, is guilty of a misdemeanor punishable by~~
19 ~~a fine of not more than \$1,000.00 or imprisonment for not more~~
20 ~~than 2 years, or both.~~

21 (6) ~~-(7)-~~ Upon a conviction for a violation or attempted
22 violation under subsection (2) or (3), the secretary of state
23 shall suspend the individual's operator's or chauffeur's license
24 as provided in section 319 of the Michigan vehicle code, 1949
25 PA 300, MCL 257.319.

26 (7) ~~-(8)-~~ Upon a conviction for a violation or attempted
27 violation under subsection (4) or (5), the secretary of state

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1 shall revoke the individual's operator's or chauffeur's license
2 as provided in section 303 of the Michigan vehicle code, 1949
3 PA 300, MCL 257.303.

4 (8) ~~-(9)-~~ Except as otherwise provided, a conviction under
5 this section does not prohibit a conviction and sentence under
6 any other applicable provision for conduct arising out of the
7 same transaction. A conviction under subsection (2), (3), (4),
8 or (5) prohibits a conviction under section 602a of the Michigan
9 vehicle code, 1949 PA 300, MCL 257.602a, for conduct arising out
10 of the same transaction.

11 (9) ~~-(10)-~~ As used in this section, "serious ~~injury~~
12 IMPAIRMENT OF A BODY FUNCTION" means ~~a physical injury that is~~
13 ~~not necessarily permanent, but that constitutes serious bodily~~
14 ~~disfigurement or that seriously impairs the functioning of a body~~
15 ~~organ or limb~~ THAT TERM AS DEFINED IN SECTION 58C OF THE
16 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.58C. ~~Serious injury~~
17 ~~includes, but is not limited to, 1 or more of the following:~~

18 ~~(a) Loss of a limb or of use of a limb.~~

19 ~~(b) Loss of a hand, foot, finger, or thumb or of use of a~~
20 ~~hand, foot, finger, or thumb.~~

21 ~~(c) Loss of an eye or ear or of use of an eye or ear.~~

22 ~~(d) Loss or substantial impairment of a bodily function.~~

23 ~~(e) Serious visible disfigurement.~~

24 ~~(f) A comatose state that lasts for more than 3 days.~~

25 ~~(g) Measurable brain damage or mental impairment.~~

26 ~~(h) A skull fracture or other serious bone fracture.~~

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Sub. HB 5442 (S-1) as amended April 25, 2002 8

1 ~~(i) Subdural hemorrhage or hematoma.~~

2 Sec. 543h. (1) A person is guilty of hindering prosecution
3 of terrorism when he or she knowingly renders criminal assistance
4 to a person [WHO HAS VIOLATED ANY SECTION OF THIS CHAPTER OTHER THAN
THIS SECTION OR IS WANTED AS A MATERIAL WITNESS IN CONNECTION WITH AN
ACT OF TERRORISM PURSUANT TO SECTION 39 OF CHAPTER VII OF THE CODE OF
CRIMINAL PROCEDURE, 1927 PA 175, MCL 767.39]. ~~who has committed an act
of terrorism.~~

5 (2) This section does not apply to conduct for which a
6 person may be punished as if he or she had committed the offense
7 committed by another person as allowed under section 39 of chap-
8 ter VII of the code of criminal procedure, 1927 PA 175,
9 MCL 767.39.

10 (3) Hindering prosecution of terrorism is a felony punish-
11 able [AS FOLLOWS:
(A) EXCEPT AS PROVIDED IN SUBDIVISION (B), BY IMPRISONMENT FOR NOT
MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR BOTH.
(B) IF THE PERSON RENDERS CRIMINAL ASSISTANCE TO A PERSON WHO HAS
VIOLATED SECTION 543F,] by imprisonment for life or any term of years or
12 a fine of not more than \$100,000.00, or both.

13 Enacting section 1. Sections 241, 479, and 479a of the
14 Michigan penal code, 1931 PA 328, MCL 750.241, 750.479, and
15 750.479a, as amended by this amendatory act, take effect July 15,
16 2002 [.

17

18]

19 Enacting section 2. This amendatory act does not take
20 effect unless House Bill No. 5440 of the 91st Legislature is
21 enacted into law.