

SUBSTITUTE FOR
HOUSE BILL NO. 5600

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 479 (MCL 750.479).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 479. (1) ~~Resisting, etc., officer in discharge of~~
2 ~~duty--Any~~ A person ~~who~~ shall NOT knowingly ~~and wilfully~~
3 ~~obstruct~~ DO ANY OF THE FOLLOWING:
4 (A) OBSTRUCT, resist, ~~or~~ oppose, ~~any~~ OR ENDANGER A sher-
5 iff, ~~coroner~~ MEDICAL EXAMINER, township treasurer, constable,
6 OR A JUDGE, MAGISTRATE, PROBATION OFFICER, PAROLE OFFICER, PROSE-
7 CUTOR, CITY ATTORNEY, OR COURT EMPLOYEE or other officer or
8 ~~person~~ duly authorized ~~, in~~ PERSON serving ~~,~~ or attempting
9 to serve or execute any process, rule, or order made or issued by
10 lawful authority. ~~, or who shall resist any~~

HB5600, As Passed House, March 7, 2002

House Bill No. 5600

2

1 (B) RESIST AN officer ~~in the execution of any~~ ENFORCING AN
2 ordinance, ~~by law, or any~~ rule, order, or resolution ~~made,~~
3 ~~issued, or passed by~~ OF the common council of ~~any~~ A city board
4 of trustees, ~~or~~ THE common council or village council of ~~any~~
5 AN incorporated village, or A township board of any township. ~~or~~
6 ~~who shall assault~~

7 (C) ASSAULT, beat, or wound ~~any sheriff, coroner~~ A MEDICAL
8 EXAMINER, township treasurer, ~~constable~~ or other ~~officer~~ duly
9 authorized ~~, while~~ OFFICER OR ANY OTHER INDIVIDUAL DESCRIBED IN
10 THIS SECTION, OTHER THAN A PEACE OFFICER, serving ~~,~~ or attempt-
11 ing to serve or execute any ~~such~~ process, rule, or order
12 DESCRIBED IN THIS SECTION, or for having served ~~,~~ or attempted
13 to serve or execute ~~the same, or who shall so obstruct,~~ ANY
14 PROCESS, RULE, OR ORDER DESCRIBED IN THIS SECTION.

15 (D) OBSTRUCT, resist, oppose, ~~assault, beat~~ or ~~wound~~
16 ENDANGER any ~~of the above named officers,~~ INDIVIDUAL DESCRIBED
17 IN THIS SECTION or any other ~~person or persons~~ INDIVIDUAL,
18 INCLUDING A PEACE OFFICER, authorized by law to maintain and pre-
19 serve the peace ~~,~~ in ~~their~~ THE PERFORMANCE OF HIS OR HER
20 DUTIES OR HIS OR HER lawful acts, attempts, ~~and~~ OR efforts to
21 maintain, preserve, and keep the peace. ~~, shall be~~

22 (E) ASSAULT, BEAT, OR WOUND ANY INDIVIDUAL DESCRIBED IN THIS
23 SECTION OR ANY OTHER INDIVIDUAL AUTHORIZED BY LAW TO MAINTAIN AND
24 PRESERVE THE PEACE, OTHER THAN A PEACE OFFICER, IN THE PER-
25 FORMANCE OF HIS OR HER DUTIES OR HIS OR HER LAWFUL ACTS,
26 ATTEMPTS, OR EFFORTS TO MAINTAIN, PRESERVE, AND KEEP THE PEACE.

HB5600, As Passed House, March 7, 2002

Sub. HB 5600 (H-3) as amended February 27, 2002 3

1 (F) OBSTRUCT, RESIST, OPPOSE, ENDANGER, ASSAULT, BEAT, OR
2 WOUND ANY EMERGENCY MEDICAL SERVICE PERSONNEL DESCRIBED IN
3 SECTION 20950 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
4 MCL 333.20950, WHILE HE OR SHE IS PERFORMING HIS OR HER AUTHO-
5 RIZED DUTIES.

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

11 (3) A PERSON WHO VIOLATES THIS SECTION AND BY THAT VIOLATION
12 INFLECTS BODILY INJURY REQUIRING MEDICAL ATTENTION OR MEDICAL
13 CARE ON AN INDIVIDUAL DESCRIBED IN THIS SECTION, LESS THAN SERI-
14 OUS INJURY, IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR
15 NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR
16 BOTH.

17 (4) A PERSON WHO VIOLATES THIS SECTION AND BY THAT VIOLATION
18 INFLECTS SERIOUS INJURY ON OR CAUSES A SUBSTANTIAL RISK OF [SERIOUS]
INJURY
19 OR DEATH TO AN INDIVIDUAL DESCRIBED IN THIS SECTION IS GUILTY OF
20 A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR
21 A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

22 (5) A PERSON WHO VIOLATES THIS SECTION AND BY THAT VIOLATION
23 CAUSES THE DEATH OF ANOTHER INDIVIDUAL DESCRIBED IN THIS SECTION
24 IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE
25 THAN 20 YEARS OR A FINE OF NOT MORE THAN \$15,000.00, OR BOTH.

26 (6) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING
27 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION

HB5600, As Passed House, March 7, 2002

H05603'01 (H-3)

HB5600, As Passed House, March 7, 2002

Sub. HB 5600 (H-3) as amended February 27, 2002 4

1 OF LAW THAT IS COMMITTED BY THAT INDIVIDUAL WHILE VIOLATING THIS
2 SECTION.

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

7 (8) AS USED IN THIS SECTION:

8 (A) "OBSTRUCT" AND "OPPOSE" INCLUDE THE USE OR THREATENED
9 USE OF PHYSICAL [INTERFERENCE OR] FORCE OR A KNOWING FAILURE TO COMPLY
[WITH A LAWFUL COMMAND].

10 (B) "PEACE OFFICER" MEANS THAT TERM AS DEFINED IN
11 SECTION 81D.

12 (C) "SERIOUS INJURY" MEANS THAT TERM AS DEFINED IN SECTION
13 479A.

14 Enacting section 1. This amendatory act takes effect July
15 1, 2002.

16 Enacting section 2. This amendatory act does not take
17 effect unless House Bill No. 5442 of the 91st Legislature is
18 enacted into law.

HB5600, As Passed House, March 7, 2002

H05603'01 (H-3)

Final page.

TVD