

HOUSE BILL No. 4323

February 21, 2001, Introduced by Reps. Bisbee, Bernero, Bishop, Spade and Richardville and referred to the Committee on Criminal Justice.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 81C. (1) A PRISONER SHALL NOT ASSAULT OR BATTER AN
2 EMPLOYEE OR CONTRACTUAL SERVICE PROVIDER OF THE DEPARTMENT OF
3 CORRECTIONS, INCLUDING, BUT NOT LIMITED TO, A CORRECTIONS OFFI-
4 CER, OR AN OFFICER OF THE COURT OR A PEACE OFFICER WITH BODILY
5 FLUID OR FECES.

6 (2) AN INDIVIDUAL WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
7 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
8 FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

9 (3) A TERM OF IMPRISONMENT IMPOSED UNDER THIS SECTION SHALL
10 BE SERVED CONSECUTIVELY TO ANY OTHER TERM OF IMPRISONMENT THE
11 INDIVIDUAL IS TO SERVE OR IS SERVING.

1 (4) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING
2 CHARGED WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION
3 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
4 SECTION.

5 (5) AS USED IN THIS SECTION:

6 (A) "CORRECTIONS OFFICER" MEANS ANY OF THE FOLLOWING:

7 (i) A CORRECTIONS OFFICER OF THE DEPARTMENT OF CORRECTIONS.

8 (ii) AN INDIVIDUAL RESPONSIBLE FOR MAINTAINING CUSTODY OF
9 PRISONERS IN A CITY, VILLAGE, TOWNSHIP, OR COUNTY JAIL.

10 (iii) AN INDIVIDUAL RESPONSIBLE FOR MAINTAINING THE CUSTODY
11 OF JUVENILES IN A JUVENILE FACILITY.

12 (B) "JUVENILE" MEANS AN INDIVIDUAL WITHIN THE JURISDICTION
13 OF THE FAMILY DIVISION OF THE CIRCUIT COURT UNDER SECTION 2(A) OF
14 CHAPTER XIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL
15 712A.2, OR WITHIN THE JURISDICTION OF THE CIRCUIT COURT UNDER
16 SECTION 606 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
17 MCL 600.606.

18 (C) "JUVENILE FACILITY" MEANS THAT TERM AS DEFINED IN SEC-
19 TION 2 OF THE JUVENILE FACILITIES ACT, 1988 PA 73, MCL 803.222.

20 (D) "OFFICER OF THE COURT" MEANS ANY OF THE FOLLOWING INDIV-
21 IDUALS WHILE PERFORMING HIS OR HER DUTIES FOR THE COURT OR ON
22 BEHALF OF A PERSON WHO IS A PARTY IN A CRIMINAL OR CIVIL PROCEED-
23 ING IN THE COURT:

24 (i) A JUDGE OR DISTRICT COURT MAGISTRATE.

25 (ii) A PROBATION OFFICER.

26 (iii) A JUVENILE CASEWORKER.

1 (iv) AN ATTORNEY.

2 (v) A COURT SECURITY OFFICER, COURT REPORTER, OR OTHER COURT
3 EMPLOYEE DESIGNATED BY THE COURT AS AN OFFICER OF THE COURT.

4 (E) "PEACE OFFICER" MEANS ANY OF THE FOLLOWING:

5 (i) A COUNTY SHERIFF OR DEPUTY COUNTY SHERIFF.

6 (ii) A POLICE OFFICER OF THE DEPARTMENT OF STATE POLICE
7 INCLUDING, BUT NOT LIMITED TO, A MOTOR CARRIER ENFORCEMENT
8 OFFICER.

9 (iii) A POLICE OFFICER OF A CITY, VILLAGE, OR TOWNSHIP.

10 (iv) A POLICE OFFICER OF A COMMUNITY COLLEGE, COLLEGE, OR
11 UNIVERSITY.

12 (v) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL
13 RESOURCES OR DEPARTMENT OF ENVIRONMENTAL QUALITY.

14 (F) "PRISONER" MEANS AN INDIVIDUAL WHO IS DETAINED IN A COR-
15 RECTIONAL FACILITY, A CITY, VILLAGE, TOWNSHIP, OR COUNTY JAIL, OR
16 A JUVENILE FACILITY AND INCLUDES, BUT IS NOT LIMITED TO, AN INDI-
17 VIDUAL AWAITING TRIAL OR OTHER HEARING.