

SENATE BILL No. 72

February 1, 2001, Introduced by Senators HAMMERSTROM, GOUGEON, NORTH, JOHNSON, BULLARD, GOSCHKA and DE BEAUSSAERT and referred to the Committee on Families, Mental Health and Human Services.

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 PERSON WHO COMMUNICATES TO ANY PERSON A
2 THREAT THAT HE OR SHE WILL PHYSICALLY HARM AN INDIVIDUAL WHO IS
3 AN EMPLOYEE OF THE FAMILY INDEPENDENCE AGENCY AND WHO DOES SO
4 BECAUSE OF THE INDIVIDUAL'S STATUS AS AN EMPLOYEE OF THAT AGENCY
5 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
6 MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.
7 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), A PERSON WHO
8 ASSAULTS OR ASSAULTS AND BATTERS AN INDIVIDUAL WHILE THE INDIVID-
9 UAL IS PERFORMING HIS OR HER DUTIES AS AN EMPLOYEE OF THE FAMILY
10 INDEPENDENCE AGENCY OR BECAUSE OF THE INDIVIDUAL'S STATUS AS AN
11 EMPLOYEE OF THAT AGENCY AND CAUSES THE INDIVIDUAL ANY PHYSICAL

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

3 (3) A PERSON WHO ASSAULTS OR ASSAULTS AND BATTERS AN INDI-
4 VIDUAL WHILE THE INDIVIDUAL IS PERFORMING HIS OR HER DUTIES AS AN
5 EMPLOYEE OF THE FAMILY INDEPENDENCE AGENCY OR BECAUSE OF THE
6 INDIVIDUAL'S STATUS AS AN EMPLOYEE OF THAT AGENCY AND CAUSES THE
7 INDIVIDUAL SERIOUS IMPAIRMENT OF BODY FUNCTION IS GUILTY OF A
8 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A
9 FINE OF NOT LESS THAN \$1,000.00 OR MORE THAN \$5,000.00, OR BOTH.

10 (4) A CONVICTION OR SENTENCE IMPOSED FOR A VIOLATION OF THIS
11 SECTION DOES NOT PRECLUDE A CONVICTION OR SENTENCE FOR A VIOLA-
12 TION OF ANY OTHER APPLICABLE LAW.

13 (5) AS USED IN THIS SECTION, "SERIOUS IMPAIRMENT OF BODY
14 FUNCTION" MEANS THAT PHRASE AS DEFINED IN SECTION 625(5) OF THE
15 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625.