

HOUSE BILL No. 4069

January 27, 2005, Introduced by Rep. Schuitmaker and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 479 (MCL 750.479), as amended by 2002 PA 270.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 479. (1) A person shall not knowingly and willfully do
2 any of the following:

3 (a) Assault, batter, wound, obstruct, or endanger a medical
4 examiner, township treasurer, judge, magistrate, probation officer,
5 parole officer, prosecutor, city attorney, court employee, court
6 officer, or other officer or ~~duly~~ authorized person serving or
7 attempting to serve or execute any process, rule, or order made or
8 issued by lawful authority or otherwise acting in the performance
9 of his or her duties.

1 (b) Assault, batter, wound, obstruct, or endanger an officer
2 enforcing an ordinance, law, rule, order, or resolution of the
3 common council of a city board of trustees, the common council or
4 village council of an incorporated village, or a township board of
5 a township.

6 (C) KNOWINGLY PROVIDE FALSE OR MISLEADING INFORMATION TO A
7 PEACE OFFICER IN THE PERFORMANCE OF HIS OR HER DUTIES AS A PEACE
8 OFFICER, KNOWING THE INFORMATION IS FALSE OR MISLEADING.

9 (2) Except as provided in subsections (3), (4), and (5), a
10 person who violates this section is guilty of a felony punishable
11 by imprisonment for not more than 2 years or a fine of not more
12 than \$2,000.00, or both.

13 (3) A person who violates this section and by that violation
14 causes a bodily injury requiring medical attention or medical care
15 to an individual described in this section is guilty of a felony
16 punishable by imprisonment for not more than 4 years or a fine of
17 not more than \$5,000.00, or both.

18 (4) A person who violates this section and by that violation
19 causes serious impairment of a body function of an individual
20 described in this section is guilty of a felony punishable by
21 imprisonment for not more than 10 years or a fine of not more than
22 \$10,000.00, or both.

23 (5) A person who violates this section and by that violation
24 causes the death of an individual described in this section is
25 guilty of a felony punishable by imprisonment for not more than 20
26 years or a fine of not more than \$20,000.00, or both.

27 (6) This section does not prohibit an individual from being

1 charged with, convicted of, or punished for any other violation of
2 law that is committed by that individual while violating this
3 section.

4 (7) The court may order a term of imprisonment for a violation
5 of this section to be served consecutively to any other term of
6 imprisonment imposed for a violation arising out of the same
7 criminal transaction as the violation of this section.

8 (8) As used in this section:

9 (a) "Obstruct" includes the use or threatened use of physical
10 interference or force or a knowing failure to comply with a lawful
11 command.

12 (B) "PEACE OFFICER" MEANS ANY OF THE FOLLOWING:

13 (i) A POLICE OFFICER OF THIS STATE INCLUDING, BUT NOT LIMITED
14 TO, A MOTOR CARRIER OFFICER OF THE DEPARTMENT OF STATE POLICE.

15 (ii) A POLICE OFFICER OF ANOTHER STATE OR OF A POLITICAL
16 SUBDIVISION OF ANOTHER STATE.

17 (iii) A POLICE OFFICER OF ANY ENTITY OF THE UNITED STATES.

18 (iv) THE SHERIFF OF A COUNTY OF THIS STATE OR THE SHERIFF'S
19 DEPUTY.

20 (v) THE SHERIFF OF A POLITICAL SUBDIVISION OF ANOTHER STATE OR
21 THE SHERIFF'S DEPUTY.

22 (vi) A PUBLIC SAFETY OFFICER OF A COMMUNITY COLLEGE, COLLEGE,
23 OR UNIVERSITY WHO IS AUTHORIZED BY THE GOVERNING BOARD OF THAT
24 COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY TO ENFORCE THE LAW OF
25 THIS STATE OR OF ANOTHER STATE AND THE RULES AND ORDINANCES OF THAT
26 COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

27 (vii) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL

1 RESOURCES.

2 (viii) A CONSERVATION OFFICER OF ANOTHER STATE.

3 (ix) A CONSERVATION OFFICER OF THE UNITED STATES DEPARTMENT OF
4 THE INTERIOR.

5 (C) ~~(b)~~ "Serious impairment of a body function" means that
6 term as defined in section 58c of the Michigan vehicle code, 1949
7 PA 300, MCL 257.58c.