

SENATE BILL No. 1313

April 29, 2010, Introduced by Senators CLARK-COLEMAN, OLSHOVE, WHITMER, JACOBS, SWITALSKI, ANDERSON, HUNTER, BARCIA, GLEASON, BRATER, CHERRY, CLARKE, PRUSI, PATTERSON, BIRKHOLZ, KUIPERS, BROWN, NOFS and RICHARDVILLE and referred to the Committee on Judiciary.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 81E. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
2 PERSON WHO ASSAULTS, BATTERS, OR ASSAULTS AND BATTERS AN INDIVIDUAL
3 WHILE THE INDIVIDUAL IS PERFORMING HIS OR HER DUTIES AS AN EMPLOYEE
4 OR CONTRACTOR OF A PUBLIC UTILITY OR BECAUSE OF THE INDIVIDUAL'S
5 STATUS AS AN EMPLOYEE OR CONTRACTOR OF A PUBLIC UTILITY IS GUILTY
6 OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1
7 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

8 (2) A PERSON WHO ASSAULTS, BATTERS, OR ASSAULTS AND BATTERS AN
9 INDIVIDUAL WHILE THE INDIVIDUAL IS PERFORMING HIS OR HER DUTIES AS

1 AN EMPLOYEE OR CONTRACTOR OF A PUBLIC UTILITY OR BECAUSE OF THE
2 INDIVIDUAL'S STATUS AS AN EMPLOYEE OR CONTRACTOR OF A PUBLIC
3 UTILITY CAUSING THE INDIVIDUAL BODILY INJURY REQUIRING MEDICAL
4 ATTENTION OR MEDICAL CARE IS GUILTY OF A FELONY PUNISHABLE BY
5 IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN
6 \$1,000.00, OR BOTH.

7 (3) A PERSON WHO ASSAULTS, BATTERS, OR ASSAULTS AND BATTERS AN
8 INDIVIDUAL WHILE THE INDIVIDUAL IS PERFORMING HIS OR HER DUTIES AS
9 AN EMPLOYEE OR CONTRACTOR OF A PUBLIC UTILITY OR BECAUSE OF THE
10 INDIVIDUAL'S STATUS AS AN EMPLOYEE OR CONTRACTOR OF A PUBLIC
11 UTILITY CAUSING THE INDIVIDUAL SERIOUS IMPAIRMENT OF A BODY
12 FUNCTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
13 MORE THAN 5 YEARS OR A FINE OF NOT LESS THAN \$1,000.00 OR MORE THAN
14 \$5,000.00, OR BOTH.

15 (4) A PERSON WHO ASSAULTS, BATTERS, OR ASSAULTS AND BATTERS AN
16 INDIVIDUAL WHILE THE INDIVIDUAL IS PERFORMING HIS OR HER DUTIES AS
17 AN EMPLOYEE OR CONTRACTOR OF A PUBLIC UTILITY OR BECAUSE OF THE
18 INDIVIDUAL'S STATUS AS AN EMPLOYEE OR CONTRACTOR OF A PUBLIC
19 UTILITY CAUSING THE DEATH OF THE INDIVIDUAL IS GUILTY OF A FELONY
20 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF
21 NOT LESS THAN \$5,000.00 OR MORE THAN \$10,000.00, OR BOTH.

22 (5) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED
23 WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW
24 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
25 SECTION.

26 (6) AS USED IN THIS SECTION:

27 (A) "PUBLIC UTILITY" MEANS A UTILITY THAT PROVIDES STEAM, GAS,

1 HEAT, ELECTRICITY, WATER, CABLE TELEVISION, TELECOMMUNICATIONS
2 SERVICES, OR PIPELINE SERVICES, WHETHER PRIVATELY, MUNICIPALLY, OR
3 COOPERATIVELY OWNED.

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