

# HOUSE BILL No. 5202

December 6, 2011, Introduced by Rep. Rutledge 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 499.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 499. (1) AN INDIVIDUAL WHO KNOWS THAT ANOTHER INDIVIDUAL  
2        IS UNCONSCIOUS OR IS IN NEED OF IMMEDIATE ASSISTANCE TO PREVENT  
3        DEATH OR SERIOUS PHYSICAL INJURY SHALL IMMEDIATELY INFORM AN  
4        EMERGENCY SERVICES PROVIDER OF THE NEED FOR ASSISTANCE AND THE  
5        LOCATION WHERE THAT ASSISTANCE IS REQUIRED.

6        (2) SUBSECTION (1) DOES NOT APPLY IF ANY OF THE FOLLOWING  
7        CIRCUMSTANCES EXIST:

8        (A) THE INDIVIDUAL IS INFORMED OR OTHERWISE KNOWS THAT AN  
9        EMERGENCY SERVICES PROVIDER OR OTHER APPROPRIATE HEALTH CARE  
10       PROVIDER HAS ALREADY BEEN CONTACTED.

1 (B) THE OTHER PERSON REQUESTS THAT NO EMERGENCY SERVICES BE  
2 PROVIDED.

3 (C) CONTACTING AN EMERGENCY SERVICES PROVIDER WOULD EXPOSE ANY  
4 INDIVIDUAL TO THE POSSIBILITY OF PERSONAL INJURY PROVIDED THE  
5 INDIVIDUAL CONTACTS AN EMERGENCY SERVICES PROVIDER UNDER SUBSECTION  
6 (1) AS SOON AS THE THREAT OF PERSONAL INJURY HAS ABATED OR THE  
7 INDIVIDUAL BECOMES EXEMPT FROM CONTACTING AN EMERGENCY SERVICES  
8 PROVIDER UNDER SUBDIVISION (A) OR (B).

9 (D) THE OTHER INDIVIDUAL IS PARTICIPATING IN OR ENGAGED IN A  
10 SPORT OR OTHER ACTIVITY THAT HAS AN INHERENT RISK OF DEATH OR  
11 SERIOUS PHYSICAL INJURY AND HAS NOT BEEN INJURED.

12 (3) THE REQUIREMENTS FOR CONTACTING AN EMERGENCY SERVICES  
13 PROVIDER UNDER THIS SECTION ARE MET IF THE INDIVIDUAL CONTACTS THAT  
14 PROVIDER DIRECTLY OR NOTIFIES A 9-1-1 OPERATOR.

15 (4) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A  
16 MISDEMEANOR PUNISHABLE BY 1 OR MORE OF THE FOLLOWING:

17 (A) IMPRISONMENT FOR NOT MORE THAN 90 DAYS.

18 (B) A FINE OF NOT MORE THAN \$500.00.

19 (C) COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS.

20 (5) AS USED IN THIS SECTION:

21 (A) "EMERGENCY SERVICES PROVIDER" MEANS A POLICE DEPARTMENT,  
22 FIRE DEPARTMENT, OR LIFE SUPPORT AGENCY.

23 (B) "LIFE SUPPORT AGENCY" MEANS THAT TERM AS DEFINED IN  
24 SECTION 20906 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL  
25 333.20906.

26 (C) "SERIOUS PHYSICAL INJURY" MEANS A PHYSICAL INJURY THAT IS  
27 APPARENT TO THE OBSERVER AND THAT A REASONABLE INDIVIDUAL WOULD

1 BELIEVE IS SUFFICIENTLY SERIOUS AS TO REQUIRE PROMPT MEDICAL  
2 ATTENTION BY A LICENSED EMERGENCY HEALTH CARE PROVIDER TO CONTROL  
3 PAIN OR SUFFERING OR TO PREVENT DEATH OR PERMANENT DISABILITY.