

# HOUSE BILL No. 5137

November 6, 2013, Introduced by Rep. Lori and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 81d (MCL 750.81d), as amended by 2006 PA 517.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 81d. (1) Except as provided in subsections (2), (3), and  
2           (4), an individual who assaults, batters, wounds, resists,  
3           obstructs, opposes, or endangers a person who the individual knows  
4           or has reason to know is performing his or her duties is guilty of  
5           a felony punishable by imprisonment for not more than 2 years or a  
6           fine of not more than \$2,000.00, or both.

7           (2) An individual who assaults, batters, wounds, resists,  
8           obstructs, opposes, or endangers a person who the individual knows  
9           or has reason to know is performing his or her duties causing a  
10          bodily injury requiring medical attention or medical care to that

1 person is guilty of a felony punishable by imprisonment for not  
2 more than 4 years or a fine of not more than \$5,000.00, or both.

3 (3) An individual who assaults, batters, wounds, resists,  
4 obstructs, opposes, or endangers a person who the individual knows  
5 or has reason to know is performing his or her duties causing a  
6 serious impairment of a body function of that person is guilty of a  
7 felony punishable by imprisonment for not more than 15 years or a  
8 fine of not more than \$10,000.00, or both.

9 (4) An individual who assaults, batters, wounds, resists,  
10 obstructs, opposes, or endangers a person who the individual knows  
11 or has reason to know is performing his or her duties causing the  
12 death of that person is guilty of a felony punishable by  
13 imprisonment for not more than 20 years or a fine of not more than  
14 \$20,000.00, or both.

15 (5) This section does not prohibit an individual from being  
16 charged with, convicted of, or punished for any other violation of  
17 law that is committed by that individual while violating this  
18 section.

19 (6) A term of imprisonment imposed for a violation of this  
20 section may run consecutively to any term of imprisonment imposed  
21 for another violation arising from the same transaction.

22 (7) As used in this section:

23 (A) **"CERTIFIED CORRECTIONS OFFICER" MEANS A STATE CORRECTIONAL**  
24 **OFFICER CERTIFIED OR RECERTIFIED UNDER THE CORRECTIONAL OFFICERS'**  
25 **TRAINING ACT OF 1982, 1982 PA 415, MCL 791.501 TO 791.517.**

26 (B) ~~(a)~~-"Obstruct" includes the use or threatened use of  
27 physical interference or force or a knowing failure to comply with

1 a lawful command.

2 (C) ~~(b)~~—"Person" means any of the following:

3 (i) A police officer of this state or of a political  
4 subdivision of this state including, but not limited to, a motor  
5 carrier officer or capitol security officer of the department of  
6 state police.

7 (ii) A police officer of a junior college, college, or  
8 university who is authorized by the governing board of that junior  
9 college, college, or university to enforce state law and the rules  
10 and ordinances of that junior college, college, or university.

11 (iii) A conservation officer of the department of natural  
12 resources or the department of environmental quality.

13 (iv) A conservation officer of the United States department of  
14 the interior.

15 (v) A sheriff or deputy sheriff.

16 (vi) A constable.

17 (vii) A peace officer of a duly authorized police agency of the  
18 United States, including, but not limited to, an agent of the  
19 secret service or department of justice.

20 (viii) A firefighter.

21 (ix) Any emergency medical service personnel described in  
22 section 20950 of the public health code, 1978 PA 368, MCL  
23 333.20950.

24 (x) An individual engaged in a search and rescue operation as  
25 that term is defined in section 50c.

26 (xi) **A CERTIFIED CORRECTIONS OFFICER.**

27 (D) ~~(e)~~—"Serious impairment of a body function" means that

- 1 term as defined in section 58c of the Michigan vehicle code, 1949
- 2 PA 300, MCL 257.58c.