

HOUSE BILL No. 5592

April 26, 2016, Introduced by Reps. Callton, Canfield, Inman, Iden, VerHeulen and Bizon
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)~~, **THIS SECTION**, an individual who assaults, batters, wounds,
3 resists, obstructs, opposes, or endangers a person who the
4 individual knows or has reason to know is performing his or her
5 duties is guilty of a felony punishable by imprisonment for not
6 more than 2 years or a fine of not more than \$2,000.00, or both.

7 **(2) AN INDIVIDUAL WHO ASSAULTS, BATTERS, WOUNDS, OR ENDANGERS**
8 **A HEALTH PROFESSIONAL WHO THE INDIVIDUAL KNOWS OR HAS REASON TO**
9 **KNOW IS PERFORMING HIS OR HER DUTIES IS GUILTY OF A FELONY**
10 **PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF**
11 **NOT MORE THAN \$2,000.00, OR BOTH.**

~~(3) (2) An individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who the individual knows or has reason to know is performing his or her duties~~ **VIOLATES**

SUBSECTION (1) OR (2) causing a bodily injury requiring medical attention or medical care to that person **OR HEALTH PROFESSIONAL** is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

~~(4) (3) An individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who the individual knows or has reason to know is performing his or her duties~~ **VIOLATES**

SUBSECTION (1) OR (2) causing a serious impairment of a body function of that person **OR HEALTH PROFESSIONAL** is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

~~(5) (4) An individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who the individual knows or has reason to know is performing his or her duties~~ **VIOLATES**

SUBSECTION (1) OR (2) causing the death of that person **OR HEALTH PROFESSIONAL** is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both.

~~(6) (5) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.~~

~~(7) (6) A term of imprisonment imposed for a violation of this section may run consecutively to any term of imprisonment imposed~~

for another violation arising from the same transaction.

(8) ~~(7)~~—As used in this section:

(A) "HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A HOSPITAL, HEALTH SYSTEM, OR HEALTH CARE PROVIDER, WHETHER OPERATED BY A GOVERNMENTAL UNIT OR A PRIVATE ENTITY, AND WHOSE DUTIES WITHIN THE SCOPE OF THAT EMPLOYMENT INVOLVE THE PROVISION OF DIRECT PATIENT CARE AND REQUIRE LICENSURE, CERTIFICATION, OR OTHER REGULATION UNDER THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1101 TO 333.25211, OR SUPERVISION BY ANOTHER INDIVIDUAL WHO IS REGULATED UNDER THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1101 TO 333.25211.

(B) ~~(a)~~—"Obstruct" includes the use or threatened use of physical interference or force or a knowing failure to comply with a lawful command.

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

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

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

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

(iv) A conservation officer of the United States ~~department of the interior.~~ **DEPARTMENT OF THE INTERIOR.**

1 (v) A sheriff or deputy sheriff.

2 (vi) A constable.

3 (vii) A peace officer of a duly authorized police agency of
4 the United States, including, but not limited to, an agent of the
5 ~~secret service~~**SECRET SERVICE** or ~~department of justice~~**DEPARTMENT**
6 **OF JUSTICE**.

7 (viii) A firefighter.

8 (ix) Any emergency medical service personnel described in
9 section 20950 of the public health code, 1978 PA 368, MCL
10 333.20950.

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

13 (D) ~~(e)~~—"Serious impairment of a body function" means that
14 term as defined in section 58c of the Michigan vehicle code, 1949
15 PA 300, MCL 257.58c.

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.