

Legislative Analysis



ASSAULT ON PUBLIC OFFICERS: INCREASE PENALTY & ADD ATTEMPT

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4302 as introduced
Sponsor: Rep. Kimberly LaSata

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4303 as introduced
Sponsor: Rep. Andy Schor

House Bill 4304 as introduced
Sponsor: Rep. Sam Singh

Committee: Law and Justice
Complete to 3-20-17

SUMMARY:

Together, the bills increase certain penalties for an assault on court or local government personnel and officers, and place the increased penalties within the sentencing guidelines.

The bills would take effect 90 days after enactment.

House Bills 4302 and 4303 each amend Section 479 of the Michigan Penal Code, Chapter LXX, entitled "Public Offices and Officers" (MCL 750.479). Currently, a person who assaults, batters, wounds, obstructs, or endangers certain municipal employees and officers is guilty of a felony. Penalties range from a maximum of two years in prison to 20 years, and/or a fine, depending on whether the victim was injured and the severity of those injuries, with the highest applying in cases of death.

Listed employees and public officers include a medical examiner, township treasurer, judge, magistrate, probation officer, parole officer, prosecutor, city attorney, court employee, court officer, and other officer or duly authorized person serving or attempting to serve or execute any process, rule, or order or who was otherwise acting in the performance of his or her duties. The penalties also apply to a person who assaults, batters, wounds, obstructs, or endangers an officer enforcing an ordinance, law, rule, order, or resolution of a city, town, or village board or council.

House Bill 4302 increases from 10 to 15 years the maximum term of imprisonment if a violation causes *serious impairment of a body function* to an individual described above. The maximum fine that could be imposed remains the same at \$10,000.

Under House Bill 4303, the current penalty for a violation that results in a bodily injury requiring medical attention or medical care would be extended so that it would also apply to acts in which a person *attempts to cause* such an injury to one of the listed individuals.

The penalty remains the same at imprisonment for not more than four years and/or a fine of not more than \$5,000.

House Bill 4304 amends the sentencing guidelines portion of the Code of Criminal Procedure to change the statutory maximum for a violation of 750.479(4) from 10 years to 15 years to conform to the change proposed by House Bill 4302, to which it is tie-barred. (MCL 777.16x)

FISCAL IMPACT:

HB 4302 and 4303: The bills would have an indeterminate fiscal impact on the state's correctional system and on local court systems. Information is not available on the number of persons that might be convicted under the provisions of the bills, but new felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2016, the average cost of prison incarceration in a state facility was roughly \$36,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,500 per supervised offender in the same year. The fiscal impact on local court systems would depend on how the provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

HB 4304 amends sentencing guidelines and does not have a direct fiscal impact on the state or on local units of government.

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