



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4303 (Substitute H-3 as passed by the House)
Sponsor: Representative Andy Schor
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 6-12-17

CONTENT

The bill would amend the Michigan Penal Code to do the following:

- Include a defense attorney, court reporter, and court recorder among the public officers and employees against whom assault triggers criminal penalties.**
- Increase the maximum term of imprisonment for assaulting and causing serious impairment of a bodily function to certain public officers and employees from 10 years to 15 years.**

Section 479 of the Penal Code prohibits a person from knowingly and willfully assaulting, battering, wounding, obstructing, or endangering a medical examiner, township treasurer, judge, magistrate, probation officer, parole officer, prosecutor, city attorney, court employee, court officer, or other officer or duly authorized person serving or attempting to serve or execute any process, rule, or order made or issued by lawful authority, or otherwise acting in the performance of his or her duties. The bill would include a defense attorney, court reporter, and court recorder within this prohibition.

Section 479 also prohibits a person from knowingly and willfully assaulting, battering, wounding, obstructing, or endangering an officer enforcing an ordinance, law, rule, order, or resolution of a municipality.

A person who violates Section 479 and causes serious impairment of a body function of an individual described above is guilty of a felony punishable by up to 10 years' imprisonment, or a maximum fine of \$10,000, or both. The bill would increase the maximum term from 10 years to 15 years. ("Serious impairment of a body function" means that term as defined in Section 58c of the Michigan Vehicle Code: one or more of the following: a) loss of a limb or loss of use of a limb; b) loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb; c) loss of an eye or ear or loss of use of an eye or ear; d) loss or substantial impairment of a bodily function; e) serious visible disfigurement; f) a comatose state that lasts for more than three days; g) measurable brain or mental impairment; h) a skull fracture or other serious bone fracture; i) subdural hemorrhage or subdural hematoma; or j) loss of an organ.)

The bill would take effect 90 days after its enactment.

MCL 750.479

Legislative Analyst: Jeff Mann

FISCAL IMPACT

House Bill 4303 (H-3)

The bill could have a negative fiscal impact on State and local government. More felony arrests and convictions, along with increased sentence lengths for certain violations, could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.