

HOUSE BILL No. 4302

March 2, 2017, Introduced by Reps. LaSata, Schor, Singh, Green, Brann, Marino, Lucido, Sowerby, Ellison, Faris, Lasinski, Miller, Webber, Griffin, Glenn, Hughes, Kahle, Wentworth and Hoadley and referred to the Committee on Law and Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 479 (MCL 750.479), as amended by 2002 PA 270.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 479. (1) A person shall not knowingly and willfully do
2 any of the following:

3 (a) Assault, batter, wound, obstruct, or endanger a medical
4 examiner, township treasurer, judge, magistrate, probation officer,
5 parole officer, prosecutor, city attorney, court employee, court
6 officer, or other officer or duly authorized person serving or
7 attempting to serve or execute any process, rule, or order made or
8 issued by lawful authority or otherwise acting in the performance
9 of his or her duties.

10 (b) Assault, batter, wound, obstruct, or endanger an officer
11 enforcing an ordinance, law, rule, order, or resolution of the

1 common council of a city board of trustees, the common council or
2 village council of an incorporated village, or a township board of
3 a township.

4 (2) Except as provided in subsections (3), (4), and (5), a
5 person who violates this section is guilty of a felony punishable
6 by imprisonment for not more than 2 years or a fine of not more
7 than \$2,000.00, or both.

8 (3) A person who violates this section and by that violation
9 causes a bodily injury requiring medical attention or medical care
10 to an individual described in this section is guilty of a felony
11 punishable by imprisonment for not more than 4 years or a fine of
12 not more than \$5,000.00, or both.

13 (4) A person who violates this section and by that violation
14 causes serious impairment of a body function of an individual
15 described in this section is guilty of a felony punishable by
16 imprisonment for not more than ~~10~~15 years or a fine of not more
17 than \$10,000.00, or both.

18 (5) A person who violates this section and by that violation
19 causes the death of an individual described in this section is
20 guilty of a felony punishable by imprisonment for not more than 20
21 years or a fine of not more than \$20,000.00, or both.

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

26 (7) The court may order a term of imprisonment for a violation
27 of this section to be served consecutively to any other term of

1 imprisonment imposed for a violation arising out of the same
2 criminal transaction as the violation of this section.

3 (8) As used in this section:

4 (a) "Obstruct" includes the use or threatened use of physical
5 interference or force or a knowing failure to comply with a lawful
6 command.

7 (b) "Serious impairment of a body function" means that term as
8 defined in section 58c of the Michigan vehicle code, 1949 PA 300,
9 MCL 257.58c.

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