

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER XI

ASSAULTS

**750.81 Assault or assault and battery; penalties; previous convictions; exception; assault of health professional or medical volunteer; enhanced penalties; definitions.**

Sec. 81. (1) Except as otherwise provided in this section, a person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. If the victim of a violation under this subsection is a health professional or medical volunteer and the violation occurs while the victim is performing the victim's duties as a health professional or medical volunteer, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both. The enhanced fine under this subsection does not apply if the defendant is a patient who is receiving treatment from the victim.

(2) Except as provided in subsection (3), (4), or (5), an individual who assaults or assaults and batters the individual's spouse or former spouse, an individual with whom the individual has or has had a dating relationship, an individual with whom the individual has had a child in common, or a resident or former resident of the individual's household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) An individual who assaults or assaults and batters an individual who is pregnant and who knows the individual is pregnant is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(4) An individual who commits an assault or an assault and battery in violation of subsection (2) or (3), and who has previously been convicted of assaulting or assaulting and battering an individual described in either subsection (2) or subsection (3) under any of the following, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both:

(a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.

(b) Section 81a, 82, 83, 84, or 86.

(c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.

(5) An individual who commits an assault or an assault and battery in violation of subsection (2) or (3), and who has 2 or more previous convictions for assaulting or assaulting and battering an individual described in either subsection (2) or subsection (3) under any of the following, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both:

(a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.

(b) Section 81a, 82, 83, 84, or 86.

(c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.

(6) This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.

(7) The operator of a health facility or agency or a hospital or psychiatric hospital shall post a sign in the health facility or agency or hospital or psychiatric hospital in a prominent and visible location that provides that a person, other than a patient receiving treatment, who assaults a health professional or medical volunteer in violation of this section is subject to the enhanced fine provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section.

(8) As used in this section:

(a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(b) "Health facility or agency" means a health facility or agency licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(c) "Health professional" means an individual who is employed or granted privileges by or under contract with a hospital or psychiatric hospital, health facility or agency, 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, privilege, or contract involve the provision of direct patient care and require licensure, registration, certification, or other regulation or authorization under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

(d) "Hospital or psychiatric hospital" means a hospital or psychiatric hospital licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(e) "Medical volunteer" means an individual who is volunteering at a hospital or psychiatric hospital, health facility or agency, in a health system, or with a health care provider, whether operated by a governmental unit or a private entity, and whose duties as a volunteer involve the provision of direct patient care, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 75081;—Am. 1994, Act 64, Eff. July 1, 1994;—Am. 1999, Act 270, Eff. July 1, 2000;—Am. 2000, Act 462, Imd. Eff. Jan. 10, 2001;—Am. 2001, Act 189, Eff. Apr. 1, 2002;—Am. 2001, Act 190, Eff. Apr. 1, 2002;—Am. 2012, Act 366, Eff. Apr. 1, 2013;—Am. 2016, Act 87, Eff. July 25, 2016;—Am. 2023, Act 271, Eff. Mar. 5, 2024.

**Former law:** See section 29 of Ch. 153 of R.S. 1846, being CL 1857, § 5739; CL 1871, § 7538; How., § 9103; CL 1897, § 11498; CL 1915, § 15220; CL 1929, § 16736; Act 167 of 1879; and Act 54 of 1929.

### **750.81a Assault; infliction of serious or aggravated injury; penalties; previous convictions; assault of health professional or medical volunteer; enhanced penalties; definitions.**

Sec. 81a. (1) Except as otherwise provided in this section, a person who assaults an individual without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both. If the victim of a violation under this subsection is a health professional or medical volunteer and the violation occurs while the victim is performing the victim's duties as a health professional or medical volunteer, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both. The enhanced fine under this subsection does not apply if the defendant is a patient who is receiving treatment from the victim.

(2) Except as provided in subsection (3), an individual who assaults the individual's spouse or former spouse, an individual with whom the individual has or has had a dating relationship, an individual with whom the individual has had a child in common, or a resident or former resident of the same household without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(3) An individual who commits an assault and battery in violation of subsection (2), and who has 1 or more previous convictions for assaulting or assaulting and battering the individual's spouse or former spouse, an individual with whom the individual has or has had a dating relationship, an individual with whom the individual has had a child in common, or a resident or former resident of the same household, in violation of any of the following, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both:

(a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.

(b) Section 81, 82, 83, 84, or 86.

(c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81, 82, 83, 84, or 86.

(4) The operator of a health facility or agency or a hospital or psychiatric hospital shall post a sign in the health facility or agency or hospital or psychiatric hospital in a prominent and visible location that provides that a person, other than a patient receiving treatment, who assaults a health professional or medical volunteer in violation of this section is subject to the enhanced fine provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section.

(5) As used in this section:

(a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(b) "Health facility or agency" means a health facility or agency licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(c) "Health professional" means an individual who is employed or granted privileges by or under contract with a hospital or psychiatric hospital, health facility or agency, 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, privilege, or contract involve the provision of direct patient care and require licensure, registration, certification, or other regulation or authorization under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

(d) "Hospital or psychiatric hospital" means a hospital or psychiatric hospital licensed under the mental health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(e) "Medical volunteer" means an individual who is volunteering at a hospital or psychiatric hospital, health facility or agency, in a health system, or with a health care provider, whether operated by a governmental unit or a private entity, and whose duties as a volunteer involve the provision of direct patient care, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

**History:** Add. 1939, Act 237, Eff. Sept. 29, 1939;—CL 1948, 750.81a;—Am. 1994, Act 65, Eff. July 1, 1994;—Am. 1999, Act 270, Eff. July 1, 2000;—Am. 2001, Act 190, Eff. Apr. 1, 2002;—Am. 2012, Act 366, Eff. Apr. 1, 2013;—Am. 2023, Act 271, Eff. Mar. 5, 2024.

### **750.81b Enhanced sentence; provisions.**

Sec. 81b. The following provisions apply in any case in which the prosecuting attorney seeks an enhanced sentence under section 81(3) or (4) or 81a(3):

(a) The charging document or amended charging document shall include a notice provision that states that the prosecuting attorney intends to seek an enhanced sentence under section 81(3) or (4) or 81a(3) and lists the prior conviction or convictions that will be relied upon for that purpose. The notice shall be separate and distinct from the language charging the current offense, and shall not be read or otherwise disclosed to the jury if the case proceeds to trial before a jury.

(b) The defendant's prior conviction or convictions shall be established at sentencing. The existence of a prior conviction and the factual circumstances establishing the required relationship between the defendant and the victim of the prior assault or assault and battery may be established by any evidence that is relevant for that purpose, including, but not limited to, 1 or more of the following:

(i) A copy of a judgment of conviction.

(ii) A transcript of a prior trial, plea-taking, or sentencing proceeding.

(iii) Information contained in a presentence report.

(iv) A statement by the defendant.

(c) The defendant or his or her attorney shall be given an opportunity to deny, explain, or refute any evidence or information relating to the defendant's prior conviction or convictions before the sentence is imposed, and shall be permitted to present evidence relevant for that purpose unless the court determines and states upon the record that the challenged evidence or information will not be considered as a basis for imposing an enhanced sentence under section 81(3) or (4) or 81a(3).

(d) A prior conviction may be considered as a basis for imposing an enhanced sentence under section 81(3) or (4) or 81a(3) if the court finds the existence of both of the following by a preponderance of the evidence:

(i) The prior conviction.

(ii) 1 or more of the required relationships between the defendant and the victim of the prior assault or assault and battery.

**History:** Add. 1994, Act 65, Eff. July 1, 1994.

### **750.81c Threats or assault against employee of family independence agency; violation; penalty; other conviction; "serious impairment of body function" defined.**

Sec. 81c. (1) A person who communicates to any person a threat that he or she will physically harm an individual who is an employee of the family independence agency and who does so because of the individual's status as an employee of that agency is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(2) Except as provided in subsection (3), a person who assaults or assaults and batters an individual while the individual is performing his or her duties as an employee of the family independence agency or because of the individual's status as an employee of that agency and causes the individual any physical injury is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

(3) A person who assaults or assaults and batters an individual while the individual is performing his or her duties as an employee of the family independence agency or because of the individual's status as an employee

of that agency and causes the individual serious impairment of body function is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.

(4) A conviction or sentence imposed for a violation of this section does not preclude a conviction or sentence for a violation of any other applicable law.

(5) As used in this section, "serious impairment of body function" means that phrase as defined in section 625(5) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

**History:** Add. 2001, Act 22, Eff. Sept. 1, 2001.

**Popular name:** Lisa's Law

**Popular name:** Lisa's Act

#### **750.81d Assaulting, battering, resisting, obstructing, opposing person performing duty; felony; penalty; other violations; consecutive terms; definitions.**

Sec. 81d. (1) Except as provided in subsections (2), (3), and (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 is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(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 causing a bodily injury requiring medical attention or medical care to that person 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.

(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 causing a serious impairment of a body function of that person 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.

(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 causing the death of that person 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.

(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.

(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.

(7) As used in this section:

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

(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.

(v) A sheriff or deputy sheriff.

(vi) A constable.

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

(viii) A firefighter.

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

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

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

**History:** Add. 2002, Act 266, Eff. July 15, 2002;—Am. 2006, Act 517, Imd. Eff. Dec. 29, 2006.

#### **750.81e Assault or battery of employee or contractor of public utility; violation as**

**misdemeanor or felony; penalty; other violations; definitions.**

Sec. 81e. (1) Except as otherwise provided in this section, a person who assaults, batters, or assaults and batters an individual while the individual is performing his or her duties as an employee or contractor of a public utility or because of the individual's status as an employee or contractor of a public utility is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(2) A person who assaults, batters, or assaults and batters an individual while the individual is performing his or her duties as an employee or contractor of a public utility or because of the individual's status as an employee or contractor of a public utility causing the individual bodily injury requiring medical attention or medical care is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

(3) A person who assaults, batters, or assaults and batters an individual while the individual is performing his or her duties as an employee or contractor of a public utility or because of the individual's status as an employee or contractor of a public utility causing the individual serious impairment of a body function is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.

(4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section.

(5) As used in this section:

(a) "Public utility" means a utility that provides steam, gas, heat, electricity, water, cable television, telecommunications services, or pipeline services, whether privately, municipally, or cooperatively owned.

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

**History:** Add. 2010, Act 131, Eff. Oct. 19, 2010.

**750.82 Felonious assault; violation of subsection (1) in weapon free school zone; assault of health professional or medical volunteer; enhanced penalties; definitions.**

Sec. 82. (1) Except as otherwise provided in this subsection or subsection (2), a person who assaults another person with a gun, revolver, pistol, knife, iron bar, club, brass knuckles, or other dangerous weapon without intending to commit murder or to inflict great bodily harm less than murder is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both. If the victim of a violation under this subsection is a health professional or medical volunteer and the violation occurs while the victim is performing the victim's duties as a health professional or medical volunteer, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$4,000.00, or both. The enhanced fine under this subsection does not apply if the defendant is a patient who is receiving treatment from the victim.

(2) A person who violates subsection (1) in a weapon free school zone is guilty of a felony punishable by 1 or more of the following:

(a) Imprisonment for not more than 4 years.

(b) Community service for not more than 150 hours.

(c) A fine of not more than \$6,000.00.

(3) The operator of a health facility or agency or a hospital or psychiatric hospital shall post a sign in the health facility or agency or hospital or psychiatric hospital in a prominent and visible location that provides that a person, other than a patient receiving treatment, who assaults a health professional or medical volunteer in violation of this section is subject to the enhanced fine as provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section.

(4) As used in this section:

(a) "Health facility or agency" means a health facility or agency licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(b) "Health professional" means an individual who is employed or granted privileges by or under contract with a hospital or psychiatric hospital, health facility or agency, 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, privilege, or contract involve the provision of direct patient care and require licensure, registration, certification, or other regulation or authorization under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

(c) "Hospital or psychiatric hospital" means a hospital or psychiatric hospital licensed under the mental



health code, 1974 PA 258, MCL 330.1001 to 330.2106.

(d) "Medical volunteer" means an individual who is volunteering at a hospital or psychiatric hospital, health facility or agency, in a health system, or with a health care provider, whether operated by a governmental unit or a private entity, and whose duties as a volunteer involve the provision of direct patient care, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

(e) "School" means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12.

(f) "School property" means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses.

(g) "Weapon free school zone" means school property and a vehicle used by a school to transport students to or from school property.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.82;—Am. 1994, Act 158, Eff. Aug. 15, 1994;—Am. 2023, Act 272, Eff. Mar. 5, 2024.

**Former law:** See section 1 of Act 232 of 1913, being CL 1915, § 15228; CL 1929, § 16747; and Act 241 of 1915.

### **750.83 Assault with intent to commit murder.**

Sec. 83. Assault with intent to commit murder—Any person who shall assault another with intent to commit the crime of murder, shall be guilty of a felony, punishable by imprisonment in the state prison for life or any number of years.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.83.

**Former law:** See section 14 of Ch. 153 of R.S. 1846, being CL 1857, § 5724; CL 1871, § 7523; How., § 9088; CL 1897, § 11483; CL 1915, § 15205; and CL 1929, § 16721.

### **750.84 Assault with intent to do great bodily harm less than murder; assault by strangulation or suffocation; "strangulation or suffocation" defined; other violation out of same conduct.**

Sec. 84. (1) A person who does either of the following is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both:

(a) Assaults another person with intent to do great bodily harm, less than the crime of murder.

(b) Assaults another person by strangulation or suffocation.

(2) As used in this section, "strangulation or suffocation" means intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.

(3) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same conduct as the violation of this section.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.84;—Am. 2012, Act 367, Eff. Apr. 1, 2013.

**Former law:** See section 1 of Act 71 of 1883, being How., § 9122a; CL 1897, § 11505; CL 1915, § 15227; and CL 1929, § 16746.

### **750.85 Torture; felony; penalty; definitions; element of crime; other laws.**

Sec. 85. (1) A person who, with the intent to cause cruel or extreme physical or mental pain and suffering, inflicts great bodily injury or severe mental pain or suffering upon another person within his or her custody or physical control commits torture and is guilty of a felony punishable by imprisonment for life or any term of years.

(2) As used in this section:

(a) "Cruel" means brutal, inhuman, sadistic, or that which torments.

(b) "Custody or physical control" means the forcible restriction of a person's movements or forcible confinement of the person so as to interfere with that person's liberty, without that person's consent or without lawful authority.

(c) "Great bodily injury" means either of the following:

(i) Serious impairment of a body function as that term is defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

(ii) One or more of the following conditions: internal injury, poisoning, serious burns or scalding, severe cuts, or multiple puncture wounds.

(d) "Severe mental pain or suffering" means a mental injury that results in a substantial alteration of mental functioning that is manifested in a visibly demonstrable manner caused by or resulting from any of the following:

(i) The intentional infliction or threatened infliction of great bodily injury.

(ii) The administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt the senses or the personality.

(iii) The threat of imminent death.

(iv) The threat that another person will imminently be subjected to death, great bodily injury, or the administration or application of mind-altering substances or other procedures calculated to disrupt the senses or personality.

(3) Proof that a victim suffered pain is not an element of the crime under this section.

(4) A conviction or sentence under this section does not preclude a conviction or sentence for a violation of any other law of this state arising from the same transaction.

**History:** Add. 2005, Act 335, Eff. Mar. 1, 2006.

**Compiler's note:** Former MCL 750.85, which pertained to assault with intent to commit rape, sodomy, or gross indecency, was repealed by Act 266 of 1974, Eff. Apr. 1, 1975.

#### **750.86 Assault with intent to maim.**

Sec. 86. Assault with intent to maim—Any person who shall assault another with intent to maim or disfigure his person by cutting out or maiming the tongue, putting out or destroying an eye, cutting or tearing off an ear, cutting or slitting or mutilating the nose or lips or cutting off or disabling a limb, organ or member, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years or by fine of not more than 5,000 dollars.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.86.

**Former law:** See sections 11 and 12 of Ch. 153 of R.S. 1846, being CL 1857, §§ 5721 and 5722; CL 1871, §§ 7520 and 7521; How., §§ 9085 and 9086; CL 1897, §§ 11480 and 11481; CL 1915, §§ 15202 and 15203; and CL 1929, §§ 16718 and 16719.

#### **750.87 Assault with intent to commit felony not otherwise punished.**

Sec. 87. Assault with intent to commit felony, not otherwise punished—Any person who shall assault another, with intent to commit any burglary, or any other felony, the punishment of which assault is not otherwise in this act prescribed, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.87.

**Former law:** See section 28 of Ch. 153 of R.S. 1846, being CL 1857, § 5738; CL 1871, § 7537; How., § 9102; CL 1897, § 11497; CL 1915, § 15219; and CL 1929, § 16735.

#### **750.88 Assault with intent to rob and steal; unarmed.**

Sec. 88. Assault with intent to rob and steal being unarmed—Any person, not being armed with a dangerous weapon, who shall assault another with force and violence, and with intent to rob and steal, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 15 years.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.88.

**Former law:** See section 18 of Ch. 153 of R.S. 1846, being CL 1857, § 5728; CL 1871, § 7527; How., § 9092; CL 1897, § 11487; CL 1915, § 15209; and CL 1929, § 16725.

#### **750.89 Assault with intent to rob and steal; armed.**

Sec. 89. Assault with intent to rob and steal being armed—Any person, being armed with a dangerous weapon, or any article used or fashioned in a manner to lead a person so assaulted reasonably to believe it to be a dangerous weapon, who shall assault another with intent to rob and steal shall be guilty of a felony, punishable by imprisonment in the state prison for life, or for any term of years.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1939, Act 94, Eff. Sept. 29, 1939;—CL 1948, 750.89.

**Former law:** See section 16 of Ch. 153 of R.S. 1846, being CL 1857, § 5726; CL 1871, § 7525; How., § 9090; CL 1897, § 11485; CL 1915, § 15207; CL 1929, § 16723; Act 143 of 1869; and Act 374 of 1927.

#### **750.90 Sexual contact or penetration under pretext of medical treatment; definitions.**

Sec. 90. (1) An individual who undertakes medical treatment of a patient and in the course of that medical treatment misrepresents to the patient that sexual contact between the individual and the patient is necessary or will be beneficial to the patient's health and who induces the patient to engage in sexual contact with the individual by means of the misrepresentation is guilty of a felony punishable by imprisonment for not more than 20 years.

(2) An individual who undertakes medical treatment of a patient and in the course of that medical treatment misrepresents to the patient that sexual penetration between the individual and the patient is necessary or will be beneficial to the patient's health and who induces the patient to engage in sexual penetration with the individual by means of the misrepresentation is guilty of a felony punishable by

imprisonment for not more than 25 years.

(3) 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.

(4) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime, including any other violation of law arising out of the same transaction as the violation of this section.

(5) As used in this section:

(a) "Medical treatment" includes an examination or a procedure.

(b) "Patient" means a person who has undergone or is seeking to undergo medical treatment.

(c) "Sexual contact" means the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner.

(d) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, regardless of whether semen is emitted, if that intrusion can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.90;—Am. 2023, Act 58, Eff. Oct. 10, 2023.

**Former law:** See section 1 of Act 172 of 1883, being How., § 9314e; CL 1897, § 11721; CL 1915, § 15505; and CL 1929, § 16847.

#### **750.90a Conduct proscribed under MCL 750.81 to 750.89 as felony; intent.**

Sec. 90a. If a person intentionally commits conduct proscribed under sections 81 to 89 against a pregnant individual, the person is guilty of a felony punishable by imprisonment for life or any term of years if all of the following apply:

(a) The person intended to cause a miscarriage or stillbirth by that individual or death or great bodily harm to the embryo or fetus, or acted in wanton or willful disregard of the likelihood that the natural tendency of the person's conduct is to cause a miscarriage or stillbirth or death or great bodily harm to the embryo or fetus.

(b) The person's conduct resulted in a miscarriage or stillbirth by that individual or death to the embryo or fetus.

**History:** Add. 1998, Act 238, Eff. Jan. 1, 1999;—Am. 2001, Act 1, Eff. June 1, 2001.

#### **750.90b Conduct proscribed under MCL 750.81 to 750.89 as crime; intent.**

Sec. 90b. A person who intentionally commits conduct proscribed under sections 81 to 89 against a pregnant individual is guilty of a crime as follows:

(a) If the conduct results in a miscarriage or stillbirth by that individual, or death to the embryo or fetus, a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$7,500.00, or both.

(b) If the conduct results in great bodily harm to the embryo or fetus, a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both.

(c) If the conduct results in serious or aggravated physical injury to the embryo or fetus, a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(d) If the conduct results in physical injury to the embryo or fetus, a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

**History:** Add. 1998, Act 238, Eff. Jan. 1, 1999;—Am. 2001, Act 1, Eff. June 1, 2001.

#### **750.90c Gross negligence against pregnant individual as crime.**

Sec. 90c. A person who commits a grossly negligent act against a pregnant individual is guilty of a crime as follows:

(a) If the act results in a miscarriage or stillbirth by that individual or death to the embryo or fetus, a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$7,500.00, or both.

(b) If the act results in great bodily harm to the embryo or fetus, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$2,500.00, or both.

(c) If the act results in serious or aggravated physical injury to the embryo or fetus, a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$500.00, or both.

(d) If the act results in physical injury to the embryo or fetus, a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

**History:** Add. 1998, Act 238, Eff. Jan. 1, 1999;—Am. 2001, Act 1, Eff. June 1, 2001;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

#### **750.90d Conduct proscribed under MCL 257.625(1) or (3) involving accident with pregnant**



**individual as felony; penalties.**

Sec. 90d. A person who engages in conduct proscribed under section 625(1) or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that involves an accident with a pregnant individual is guilty of a felony punishable as follows:

(a) If the person's conduct causes a miscarriage or stillbirth by that individual or death to the embryo or fetus, imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both.

(b) If the person's conduct causes great bodily harm or serious or aggravated injury to the embryo or fetus, imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both.

**History:** Add. 1998, Act 238, Eff. Jan. 1, 1999;—Am. 2001, Act 1, Eff. June 1, 2001.

**750.90e Conduct as proximate cause of accident involving pregnant individual as misdemeanor; penalty.**

Sec. 90e. If a person operates a motor vehicle in a careless or reckless manner, but not willfully or wantonly, that is the proximate cause of an accident involving a pregnant individual and the accident results in a miscarriage or stillbirth by that individual or death to the embryo or fetus, the person is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

**History:** Add. 1998, Act 238, Eff. Jan. 1, 1999;—Am. 2001, Act 1, Eff. June 1, 2001.

**750.90f Applicability of MCL 750.90a to 750.90e; "physician or other licensed medical professional" defined.**

Sec. 90f. (1) Sections 90a to 90e do not apply to any of the following:

(a) An act committed by the pregnant individual.

(b) A medical procedure performed by a physician or other licensed medical professional within the scope of his or her practice and with the pregnant individual's consent or the consent of an individual who may lawfully provide consent on her behalf or without consent as necessitated by a medical emergency.

(c) The lawful dispensation, administration, or prescription of medication.

(2) This section does not prohibit a prosecution under any other applicable law.

(3) As used in this section, "physician or other licensed medical professional" means a person licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

**History:** Add. 1998, Act 238, Eff. Jan. 1, 1999.

**750.90g "Infant protection act" as short title of section; legislative findings; prohibited acts; violation as felony; penalty; exceptions; definitions.**

Sec. 90g. (1) This section shall be known and may be cited as the "infant protection act".

(2) The legislature finds all of the following:

(a) That the constitution and laws of this nation and this state hold that a live infant completely expelled from his or her mother's body is recognized as a person with constitutional and legal rights and protection.

(b) That a live infant partially outside his or her mother is neither a fetus nor potential life, but is a person.

(c) That the United States supreme court decisions defining a right to terminate pregnancy do not extend to the killing of a live infant that has begun to emerge from his or her mother's body.

(d) That the state has a compelling interest in protecting the life of a live infant by determining that a live infant is a person deserving of legal protection at any point after any part of the live infant exists outside of the mother's body.

(3) Except as provided in subsections (4) and (5), a person who intentionally performs a procedure or takes any action upon a live infant with the intent to cause the death of the live infant is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than \$50,000.00, or both.

(4) It is not a violation of subsection (3) if a physician takes measures at any point after a live infant is partially outside of the mother's body, that in the physician's reasonable medical judgment are necessary to save the life of the mother and if every reasonable precaution is also taken to save the live infant's life.

(5) Subsection (3) does not apply to an action taken by the mother. However, this subsection does not exempt the mother from any other provision of law.

(6) As used in this section:

(a) "Live infant" means a human fetus at any point after any part of the fetus is known to exist outside of the mother's body and has 1 or more of the following:

(i) A detectable heartbeat.

(ii) Evidence of spontaneous movement.

(iii) Evidence of breathing.

(b) "Outside of the mother's body" means beyond the outer abdominal wall or beyond the plane of the vaginal introitus.

(c) "Part of the fetus" means any portion of the body of a human fetus that has not been severed from the fetus, but not including the umbilical cord or placenta.

(d) "Physician" means an individual licensed to engage in the practice of allopathic medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

**History:** Add. 1999, Act 107, Eff. Mar. 10, 2000.

**Popular name:** Infant Protection Act

**750.90h Repealed. 2023, Act 286, Eff. Feb. 13, 2024.**

**Compiler's note:** The repealed section pertained to the partial-birth abortion ban act.