



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 642 (Substitute S-1 as reported)
Senate Bill 643 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones (S.B. 642)
Senator Roger Kahn, M.D. (S.B. 643)
Committee: Judiciary

CONTENT

Senate Bill 642 (S-1) would amend the Michigan Penal Code to prescribe criminal penalties for assault, battery, or assault and battery of a health care professional while he or she was performing his or her professional duties or because of his or her status as a health care professional, as shown in Table 1.

Table 1

Violation	Level	Penalty
Assault/Battery of a health care professional	Misdemeanor	Up to 1 year and/or \$1,000
Assault/Battery of a health care professional causing bodily injury requiring medical attention	Felony	Up to 2 years and/or \$1,000
Assault /Battery of a health care professional causing serious impairment of a body function	Felony	Up to 5 years and/or at least \$1,000 and up to \$5,000

A conviction or sentence imposed for a violation of the bill would not preclude a conviction or sentence for a violation of any other applicable law.

"Health care professional" would mean an emergency medical technician; an ambulance operator or ambulance attendant; a nurse; a physical therapist; an occupational therapist; a physician; or a physician's assistant.

"Serious impairment of a body function" would mean that term as defined in Section 58c of the Michigan Vehicle Code. (Under that section, "serious impairment of a body function" includes one or more of the following: loss of a limb or the use of a limb; loss of a foot, hand, finger, or thumb or the use of a foot, hand, finger, or thumb; loss of an eye or ear or the use of an eye or ear; loss or substantial impairment of a bodily function; serious visible disfigurement; a comatose state that lasts for more than three days; measurable brain or mental impairment; a skull fracture or other serious bone fracture; subdural hemorrhage or subdural hematoma; or loss of an organ.)

Senate Bill 643 (S-1) would amend the Code of Criminal Procedure to add the felonies proposed by Senate Bill 642 (S-1) to the sentencing guidelines, as shown in Table 2.

Table 2

Violation	Felony Class & Category	Statutory Maximum Penalty
Assaulting a health professional causing bodily injury requiring medical attention	G-Person	2 years
Assaulting a health professional causing serious impairment of a body function	E-Person	5 years

The bill is tie-barred to Senate Bill 642.

Proposed MCL 750.81f (S.B. 642)
MCL 777.16d (S.B. 643)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. An offender convicted of the Class G offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 7-23 months. An offender convicted of the Class E offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Any additional penal fine revenue resulting from convictions related to the proposed criminal offense would benefit public libraries.

Date Completed: 9-21-11

Fiscal Analyst: Matthew Grabowski

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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.