

HOUSE BILL No. 5579

May 1, 2012, Introduced by Reps. Horn, Santana, Zorn, Tyler, Liss, Crawford, Kowall and Franz and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 81d (MCL 750.81d), as amended by 2006 PA 517.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81d. (1) Except as provided in subsections (2), (3), and
2 (4), an individual who assaults, batters, wounds, resists,
3 obstructs, opposes, or endangers a person who the individual knows
4 or has reason to know is performing his or her duties is guilty of
5 a felony punishable by imprisonment for not more than 2 years or a
6 fine of not more than \$2,000.00, or both.

7 (2) An individual who assaults, batters, wounds, resists,
8 obstructs, opposes, or endangers a person who the individual knows
9 or has reason to know is performing his or her duties causing a
10 bodily injury requiring medical attention or medical care to that

1 person is guilty of a felony punishable by imprisonment for not
2 more than 4 years or a fine of not more than \$5,000.00, or both.

3 (3) An individual who assaults, batters, wounds, resists,
4 obstructs, opposes, or endangers a person who the individual knows
5 or has reason to know is performing his or her duties causing a
6 serious impairment of a body function of that person is guilty of a
7 felony punishable by imprisonment for not more than 15 years or a
8 fine of not more than \$10,000.00, or both.

9 (4) An individual who assaults, batters, wounds, resists,
10 obstructs, opposes, or endangers a person who the individual knows
11 or has reason to know is performing his or her duties causing the
12 death of that person is guilty of a felony punishable by
13 imprisonment for not more than 20 years or a fine of not more than
14 \$20,000.00, or both.

15 (5) This section does not prohibit an individual from being
16 charged with, convicted of, or punished for any other violation of
17 law that is committed by that individual while violating this
18 section.

19 (6) A term of imprisonment imposed for a violation of this
20 section may run consecutively to any term of imprisonment imposed
21 for another violation arising from the same transaction.

22 (7) As used in this section:

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

26 (b) "Person" means any of the following:

27 (i) A police officer of this state or of a political

1 subdivision of this state including, but not limited to, a motor
2 carrier officer or capitol security officer of the department of
3 state police.

4 (ii) A police officer of a junior college, college, or
5 university who is authorized by the governing board of that junior
6 college, college, or university to enforce state law and the rules
7 and ordinances of that junior college, college, or university.

8 (iii) A conservation officer of the department of natural
9 resources or the department of environmental quality.

10 (iv) A conservation officer of the United States department of
11 the interior.

12 (v) A sheriff or deputy sheriff.

13 (vi) A constable.

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

17 (viii) A firefighter.

18 (ix) Any emergency medical service personnel described in
19 section 20950 of the public health code, 1978 PA 368, MCL
20 333.20950.

21 (x) **EMERGENCY ROOM PERSONNEL, INCLUDING, BUT NOT LIMITED TO,**
22 **PHYSICIANS, NURSES, INTAKE CLERKS, AND ANY OTHER INDIVIDUAL**
23 **EMPLOYED IN THE EMERGENCY DEPARTMENT, EMERGENCY ROOM, OPERATING**
24 **ROOM, OR TRAUMA CENTER OF A HOSPITAL LICENSED UNDER ARTICLE 17 OF**
25 **THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20101 TO 333.22260.**

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

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