

**SUBSTITUTE FOR  
HOUSE BILL NO. 5682**

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 81, 81a, and 82 (MCL 750.81, 750.81a, and  
750.82), section 81 as amended by 2016 PA 87, section 81a as  
amended by 2012 PA 366, and section 82 as amended by 1994 PA 158.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 81. (1) Except as otherwise provided in this section, a  
2 person who assaults or assaults and batters an individual, if no  
3 other punishment is prescribed by law, is guilty of a misdemeanor  
4 punishable by imprisonment for not more than 93 days or a fine of  
5 not more than \$500.00, or both. **If the victim of a violation under**  
6 **this subsection is a health professional or medical volunteer and**  
7 **the violation occurs while the victim is performing his or her**



1 duties as a health professional or medical volunteer, the person is  
2 guilty of a misdemeanor punishable by imprisonment for not more  
3 than 93 days or a fine of not more than \$1,000.00, or both. The  
4 enhanced fine under this subsection does not apply if the defendant  
5 is a patient who is receiving treatment from the victim.

6 (2) Except as provided in subsection (3), (4), or (5), an  
7 individual who assaults or assaults and batters his or her spouse  
8 or former spouse, an individual with whom he or she has or has had  
9 a dating relationship, an individual with whom he or she has had a  
10 child in common, or a resident or former resident of his or her  
11 household, is guilty of a misdemeanor punishable by imprisonment  
12 for not more than 93 days or a fine of not more than \$500.00, or  
13 both.

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

18 (4) An individual who commits an assault or an assault and  
19 battery in violation of subsection (2) or (3), and who has  
20 previously been convicted of assaulting or assaulting and battering  
21 an individual described in either subsection (2) or subsection (3)  
22 under any of the following, is guilty of a misdemeanor punishable  
23 by imprisonment for not more than 1 year or a fine of not more than  
24 \$1,000.00, or both:

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

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

28 (c) A law of another state or an ordinance of a political  
29 subdivision of another state substantially corresponding to this



1 section or section 81a, 82, 83, 84, or 86.

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

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

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

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

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

18 **(7) The operator of a health facility licensed under article**  
 19 **17 of the public health code, 1978 PA 368, MCL 333.20101 to**  
 20 **333.22260, shall post a sign in the health facility in a prominent**  
 21 **and visible location that provides that a person, other than a**  
 22 **patient receiving treatment, who assaults a health professional or**  
 23 **medical volunteer in violation of this section is subject to the**  
 24 **enhanced fine provided for in this section and that a patient**  
 25 **receiving treatment who assaults a health professional or medical**  
 26 **volunteer may still be subject to prosecution under this section.**

27 (8) ~~(7)~~As used in this section: ~~,"dating~~

28 (a) **"Dating** relationship" means frequent, intimate  
 29 associations primarily characterized by the expectation of



1 affectional involvement. This term does not include a casual  
2 relationship or an ordinary fraternization between 2 individuals in  
3 a business or social context.

4 (b) "Health professional" means an individual who is employed  
5 by a hospital, health system, or health care provider, whether  
6 operated by a governmental unit or a private entity, and whose  
7 duties within the scope of that employment involve the provision of  
8 direct patient care and require licensure, certification, or other  
9 regulation under the public health code, 1978 PA 368, MCL 333.1101  
10 to 333.25211, or who is providing indirect patient care under the  
11 direction of a hospital, health system, or health care provider.

12 (c) "Medical volunteer" means an individual who is  
13 volunteering at a hospital, in a health system, or with a health  
14 care provider, whether operated by a governmental unit or a private  
15 entity, and whose duties as a volunteer involve the provision of  
16 direct patient care, or who is providing indirect patient care  
17 under the direction of a hospital, health system, or health care  
18 provider.

19 Sec. 81a. (1) Except as otherwise provided in this section, a  
20 person who assaults an individual without a weapon and inflicts  
21 serious or aggravated injury upon that individual without intending  
22 to commit murder or to inflict great bodily harm less than murder  
23 is guilty of a misdemeanor punishable by imprisonment for not more  
24 than 1 year or a fine of not more than \$1,000.00, or both. **If the**  
25 **victim of a violation under this subsection is a health**  
26 **professional or medical volunteer and the violation occurs while**  
27 **the victim is performing his or her duties as a health professional**  
28 **or medical volunteer, the person is guilty of a misdemeanor**  
29 **punishable by imprisonment for not more than 1 year or a fine of**



1 not more than \$2,000.00, or both. The enhanced fine under this  
2 subsection does not apply if the defendant is a patient who is  
3 receiving treatment from the victim.

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

13 (3) An individual who commits an assault and battery in  
14 violation of subsection (2), and who has 1 or more previous  
15 convictions for assaulting or assaulting and battering his or her  
16 spouse or former spouse, an individual with whom he or she has or  
17 has had a dating relationship, an individual with whom he or she  
18 has had a child in common, or a resident or former resident of the  
19 same household, in violation of any of the following, is guilty of  
20 a felony punishable by imprisonment for not more than 5 years or a  
21 fine of not more than \$5,000.00, or both:

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

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

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

28 (4) The operator of a health facility licensed under article  
29 17 of the public health code, 1978 PA 368, MCL 333.20101 to



333.22260, shall post a sign in the health facility 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) ~~(4)~~—As used in this section: ~~,"dating~~

(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 professional" means an individual who is employed by a hospital, 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 involve the provision of direct patient care and require licensure, certification, or other regulation 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, health system, or health care provider.

(c) "Medical volunteer" means an individual who is volunteering at a hospital, 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, health system, or health care provider.

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 his or her 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 licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260, shall post a sign in the health facility 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) ~~(3)~~—As used in this section:**



(a) "Health professional" means an individual who is employed by a hospital, 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 involve the provision of direct patient care and require licensure, certification, or other regulation 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, health system, or health care provider.

(b) "Medical volunteer" means an individual who is volunteering at a hospital, 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, health system, or health care provider.

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

(d) ~~(b)~~—"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.

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

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

