

# HOUSE BILL No. 5495

February 10, 2004, Introduced by Reps. Julian, Caswell, Meyer, Stakoe, Vagnozzi, Gaffney, Plakas, McConico, Voorhees, LaJoy, Garfield, O'Neil, Pappageorge, Hoogendyk, Ehardt, Van Regenmorter, Richardville, Farhat, Pastor, Tabor, Sak, Vander Veen and Nofs and referred to the Committee on Judiciary.

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  
5 officer, parole officer, prosecutor, city attorney, court  
6 employee, court officer, or other officer or duly authorized  
7 person serving or attempting to serve or execute any process,  
8 rule, or order made or issued by lawful authority or otherwise  
9 acting in the performance of his or her duties.

10       (b) Assault, batter, wound, obstruct, or endanger an officer

1 enforcing an ordinance, law, rule, order, or resolution of the  
2 common council of a city board of trustees, the common council or  
3 village council of an incorporated village, or a township board  
4 of a township.

5 **(c) Knowingly provide false or misleading information to a**  
6 **peace officer in the performance of his or her duties as a peace**  
7 **officer, knowing the information is false or misleading.**

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

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

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

22 (5) A person who violates this section and by that violation  
23 causes the death of an individual described in this section is  
24 guilty of a felony punishable by imprisonment for not more than  
25 20 years or a fine of not more than \$20,000.00, or both.

26 (6) This section does not prohibit an individual from being  
27 charged with, convicted of, or punished for any other violation

1 of law that is committed by that individual while violating this  
2 section.

3 (7) The court may order a term of imprisonment for a  
4 violation of this section to be served consecutively to any other  
5 term of imprisonment imposed for a violation arising out of the  
6 same criminal transaction as the violation of this section.

7 (8) As used in this section:

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

11 (b) "Peace officer" means any of the following:

12 (i) A police officer of this state including, but not limited  
13 to, a motor carrier officer of the department of state police.

14 (ii) A police officer of another state or of a political  
15 subdivision of another state.

16 (iii) A police officer of any entity of the United States.

17 (iv) The sheriff of a county of this state or the sheriff's  
18 deputy.

19 (v) The sheriff of a political subdivision of another state  
20 or the sheriff's deputy.

21 (vi) A public safety officer of a community college, college,  
22 or university who is authorized by the governing board of that  
23 community college, college, or university to enforce the law of  
24 this state or of another state and the rules and ordinances of  
25 that community college, college, or university.

26 (vii) A conservation officer of the department of natural  
27 resources.

1           (viii) A conservation officer of another state.

2           (ix) A conservation officer of the United States department  
3 of the interior.

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