

SENATE BILL No. 1404

September 5, 2006, Introduced by Senators GOSCHKA, KUIPERS, JOHNSON, GILBERT, GARCIA and BARCIA and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 50c and 81d (MCL 750.50c and 750.81d), section 50c as amended by 2002 PA 672 and section 81d as added by 2002 PA 266.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 50c. (1) As used in this section:

2 (a) "Dog handler" means a peace officer who has successfully
3 completed training in the handling of a police dog pursuant to a
4 policy of the law enforcement agency that employs that peace
5 officer.

6 (b) "Physical harm" means any injury to a dog's or horse's
7 physical condition.

8 (c) "Police dog" means a dog used by a law enforcement agency

1 of this state or of a local unit of government of this state that
2 is trained for law enforcement work and subject to the control of a
3 dog handler.

4 (d) "Police horse" means a horse used by a law enforcement
5 agency of this state or of a local unit of government of this state
6 for law enforcement work.

7 **(E) "SEARCH AND RESCUE DOG" MEANS A DOG THAT IS TRAINED OR**
8 **BEING TRAINED FOR THE PURPOSE OF LOCATING OR RESCUING LOST,**
9 **INJURED, OR DECEASED INDIVIDUALS AND IS OWNED BY AN INDEPENDENT**
10 **HANDLER OR BY A MEMBER OF A SEARCH AND RESCUE TEAM AND USE IN**
11 **CONJUNCTION WITH LOCAL LAW ENFORCEMENT OR EMERGENCY SERVICES**
12 **ORGANIZATIONS.**

13 **(F) —(e)—** "Serious physical harm" means any injury to a dog's
14 or horse's physical condition or welfare that is not necessarily
15 permanent but that constitutes substantial body disfigurement, or
16 that seriously impairs the function of a body organ or limb.

17 (2) A person shall not intentionally kill or cause serious
18 physical harm to a police dog or police horse **OR A SEARCH AND**
19 **RESCUE DOG.**

20 (3) A person shall not intentionally cause physical harm to a
21 police dog or police horse **OR A SEARCH AND RESCUE DOG.**

22 (4) A person shall not intentionally harass or interfere with
23 a police dog or police horse **OR SEARCH AND RESCUE DOG** lawfully
24 performing its duties.

25 (5) A person who violates subsection (2) is guilty of a felony
26 punishable by imprisonment for not more than ~~5~~ 10 years or a fine
27 of not more than ~~\$2,500.00~~ **\$10,000.00**, or both.

1 (6) Except as provided in subsection (7), a person who
2 violates subsection (3) or (4) is guilty of a ~~misdemeanor~~ **FELONY**
3 punishable by imprisonment for not more than ~~1 year~~ **5 YEARS** or a
4 fine of not more than ~~\$1,000.00~~ **\$5,000.00**, or both.

5 (7) A person who violates subsection (3) or (4) while
6 committing a crime is guilty of a felony punishable by imprisonment
7 for not more than ~~2~~ **10** years or a fine of not more than
8 ~~\$1,500.00~~ **\$15,000.00**, or both.

9 (8) This section does not prohibit an individual from being
10 charged with, convicted of, or punished for any other violation of
11 law committed by that individual while violating this section.

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

18 (2) An individual who assaults, batters, wounds, resists,
19 obstructs, opposes, or endangers a person who the individual knows
20 or has reason to know is performing his or her duties causing a
21 bodily injury requiring medical attention or medical care to that
22 person is guilty of a felony punishable by imprisonment for not
23 more than 4 years or a fine of not more than \$5,000.00, or both.

24 (3) An individual who assaults, batters, wounds, resists,
25 obstructs, opposes, or endangers a person who the individual knows
26 or has reason to know is performing his or her duties causing a
27 serious impairment of a body function of that person is guilty of a

1 felony punishable by imprisonment for not more than 15 years or a
2 fine of not more than \$10,000.00, or both.

3 (4) 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 the
6 death of that person is guilty of a felony punishable by
7 imprisonment for not more than 20 years or a fine of not more than
8 \$20,000.00, or both.

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

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

16 (7) As used in this section:

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

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

21 (i) A police officer of this state or of a political
22 subdivision of this state including, but not limited to, a motor
23 carrier officer or capitol security officer of the department of
24 state police.

25 (ii) A police officer of a junior college, college, or
26 university who is authorized by the governing board of that junior
27 college, college, or university to enforce state law and the rules

1 and ordinances of that junior college, college, or university.

2 (iii) A conservation officer of the department of natural
3 resources or the department of environmental quality.

4 (iv) A conservation officer of the United States department of
5 the interior.

6 (v) A sheriff or deputy sheriff.

7 (vi) A constable.

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

11 (viii) A firefighter.

12 (ix) Any emergency medical service personnel described in
13 section 20950 of the public health code, 1978 PA 368, MCL
14 333.20950.

15 (x) **AN INDIVIDUAL ENGAGED IN A SEARCH AND RESCUE OPERATION. AS**
16 **USED IN THIS SUBPARAGRAPH, "SEARCH AND RESCUE OPERATION" MEANS AN**
17 **EFFORT CONDUCTED AT THE DIRECTION OF AN AGENCY OF THIS STATE OR OF**
18 **A POLITICAL SUBDIVISION OF THIS STATE TO LOCATE OR RESCUE A LOST,**
19 **INJURED, OR DECEASED INDIVIDUAL.**

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