

# HOUSE BILL NO. 4327

March 12, 2019, Introduced by Reps. Vaupel, Yaroch, Brixie, Coleman, Sowerby and Calley 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 **otherwise** provided in ~~subsections (2),~~  
2 ~~(3), and (4),~~ **this section**, an individual who assaults, batters,  
3 wounds, resists, obstructs, opposes, or endangers a person who the  
4 individual knows or has reason to know is performing his or her



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

3 (2) Except as otherwise provided in this section, an  
4 individual who assaults, batters, wounds, or endangers a health  
5 professional or a medical volunteer who the individual knows or has  
6 reason to know is performing his or her duties is guilty of a  
7 felony punishable by imprisonment for not more than 2 years or a  
8 fine of not more than \$2,000.00, or both.

9 (3) ~~(2) 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~~ **violates**  
12 **subsection (1) or (2)** causing a bodily injury requiring medical  
13 attention or medical care to that person, **health professional, or**  
14 **medical volunteer** is guilty of a felony punishable by imprisonment  
15 for not more than 4 years or a fine of not more than \$5,000.00, or  
16 both.

17 (4) ~~(3) An individual who assaults, batters, wounds, resists,~~  
18 ~~obstructs, opposes, or endangers a person who the individual knows~~  
19 ~~or has reason to know is performing his or her duties~~ **violates**  
20 **subsection (1) or (2)** causing a serious impairment of a body  
21 function of that person, **health professional, or medical volunteer**  
22 is guilty of a felony punishable by imprisonment for not more than  
23 15 years or a fine of not more than \$10,000.00, or both.

24 (5) ~~(4) 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~~ **violates**  
27 **subsection (1) or (2)** causing the death of that person, **health**  
28 **professional, or medical volunteer** is guilty of a felony punishable  
29 by imprisonment for not more than 20 years or a fine of not more



1 than \$20,000.00, or both.

2 (6) ~~(5)~~—This section does not prohibit an individual from  
3 being charged with, convicted of, or punished for any other  
4 violation of law that is committed by that individual while  
5 violating this section.

6 (7) ~~(6)~~—A term of imprisonment imposed for a violation of this  
7 section may run consecutively to any term of imprisonment imposed  
8 for another violation arising from the same transaction.

9 (8) A hospital, health system, health care provider, or health  
10 professional may elect to report a violent act to a local law  
11 enforcement agency with jurisdiction to investigate alleged  
12 criminal violations where the health facility or agency is located  
13 if the violent act was committed by an individual with a disability  
14 or disease and the violent act was a clear and direct manifestation  
15 of the individual's health condition.

16 (9) ~~(7)~~—As used in this section:

17 (a) "Health professional" means an individual who is employed  
18 by a hospital, health system, or health care provider, whether  
19 operated by a governmental unit or a private entity, and whose  
20 duties within the scope of that employment involve the provision of  
21 direct patient care and require licensure, certification, or other  
22 regulation under the public health code, 1978 PA 368, MCL 333.1101  
23 to 333.25211, or supervision by another individual who is regulated  
24 under the public health code, 1978 PA 368, MCL 333.1101 to  
25 333.25211, or who is providing indirect patient care under the  
26 direction of a hospital, health system, or health care provider.

27 (b) "Medical volunteer" means an individual who is  
28 volunteering at a hospital, in a health system, or with a health  
29 care provider, whether operated by a governmental unit or a private



1 entity, and whose duties as a volunteer involve the provision of  
 2 direct patient care, or who is providing indirect patient care  
 3 under the direction of a hospital, health system, or health care  
 4 provider.

5 (c) ~~(a)~~—"Obstruct" includes the use or threatened use of  
 6 physical interference or force or a knowing failure to comply with  
 7 a lawful command.

8 (d) ~~(b)~~—"Person" means any of the following:

9 (i) A police officer of this state or of a political  
 10 subdivision of this state including, but not limited to, a motor  
 11 carrier officer or capitol security officer of the department of  
 12 state police.

13 (ii) A police officer of a junior college, college, or  
 14 university who is authorized by the governing board of that junior  
 15 college, college, or university to enforce state law and the rules  
 16 and ordinances of that junior college, college, or university.

17 (iii) A conservation officer of the department of natural  
 18 resources or the department of environmental quality.

19 (iv) A conservation officer of the United States ~~department of~~  
 20 ~~the interior.~~**Department of the Interior.**

21 (v) A sheriff or deputy sheriff.

22 (vi) A constable.

23 (vii) A peace officer of a duly authorized police agency of the  
 24 United States, including, but not limited to, an agent of the  
 25 ~~secret service~~**Secret Service** or ~~department of justice.~~**Department**  
 26 **of Justice.**

27 (viii) A firefighter.

28 (ix) Any emergency medical service personnel described in



1 section 20950 of the public health code, 1978 PA 368, MCL  
2 333.20950.

3 (x) An individual engaged in a search and rescue operation as  
4 that term is defined in section 50c.

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

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

