

# HOUSE BILL NO. 5215

November 07, 2019, Introduced by Reps. Shannon, Anthony, Cynthia Johnson, Brenda Carter, Gay-Dagnogo, Haadsma, Tyrone Carter, Kennedy, Brixie, Coleman, Garza, Sowerby, Ellison, Howell, Sabo and Yaroach and referred to the Committee on Health Policy.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 81c (MCL 750.81c), as added by 2001 PA 22.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 81c. (1) A person who communicates to any person a threat  
2 that he or she will physically harm an individual who **the person**  
3 **knows or has reason to know** is **performing his or her duties as** an  
4 employee of the ~~family independence agency and~~ **department of health**



1 and human services or as a home health care worker, or who does so  
 2 because of the individual's status as ~~an~~ a department of health and  
 3 human services employee ~~of that agency~~ or as a home health care  
 4 worker, is guilty of a misdemeanor punishable by imprisonment for  
 5 not more than 1 year or a fine of not more than \$1,000.00, or both.

6 (2) Except as otherwise provided in this section, a person who  
 7 assaults or assaults and batters an individual who the person knows  
 8 or has reason to know is performing his or her duties as an  
 9 employee of the department of health and human services or as a  
 10 home health care worker, or who does so because of the individual's  
 11 status as a department of health and human services employee or as  
 12 a home health care worker, is guilty of a felony punishable by  
 13 imprisonment for not more than 2 years or a fine of not more than  
 14 \$2,000.00, or both.

15 (3) ~~(2)~~ Except as otherwise provided in ~~subsection (3)~~, this  
 16 section, a person who assaults or assaults and batters an  
 17 individual ~~while the individual~~ who the person knows or has reason  
 18 to know is performing his or her duties as an employee of the  
 19 ~~family independence agency~~ department of health and human services  
 20 or as a home health care worker, or who does so because of the  
 21 individual's status as ~~an~~ a department of health and human services  
 22 employee ~~of that agency~~ and causes the individual or as a home  
 23 health care worker, causing any ~~physical~~ bodily injury requiring  
 24 medical attention or medical care is guilty of a felony punishable  
 25 by imprisonment for not more than ~~2~~ 4 years or a fine of not more  
 26 than ~~\$1,000.00~~, \$5,000.00, or both.

27 (4) ~~(3)~~ A Except as otherwise provided in this section, a  
 28 person who assaults or assaults and batters an individual ~~while the~~  
 29 individual who the person knows or has reason to know is performing



1 his or her duties as an employee of the ~~family independence agency~~  
 2 **department of health and human services or as a home health care**  
 3 **worker, or who does so** because of the individual's status as ~~an a~~  
 4 **department of health and human services** employee ~~of that agency and~~  
 5 ~~causes~~ **or as a home health care worker, causing** the individual  
 6 serious impairment of a body function is guilty of a felony  
 7 punishable by imprisonment for not more than ~~5~~ **15** years or a fine  
 8 of not less than ~~\$1,000.00~~ or more than ~~\$5,000.00,~~ **\$10,000.00**, or  
 9 both.

10 (5) A person who assaults or assaults and batters an  
 11 individual who the person knows or has reason to know is performing  
 12 his or her duties as an employee of the department of health and  
 13 human services or as a home health care worker, or who does so  
 14 because of the individual's status as a department of health and  
 15 human services employee or as a home health care worker, causing  
 16 the death of that individual is guilty of a felony punishable by  
 17 imprisonment for not more than 20 years or a fine of not more than  
 18 \$20,000.00, or both.

19 (6) ~~(4)~~ A conviction or sentence imposed for a violation of  
 20 this section does not preclude a **charge**, conviction, or sentence  
 21 for a violation of ~~any other applicable law~~ **that is committed by**  
 22 **that person while violating this section.**

23 (7) A term of imprisonment imposed for a violation of this  
 24 section may run consecutively to any term of imprisonment imposed  
 25 for another violation arising from the same transaction.

26 (8) ~~(5)~~ As used in this section: ~~"serious~~

27 (a) "Home health care worker" means an individual who, as a  
 28 condition of his or her employment, performs duties related to  
 29 physical health or psychological health, or both, of a client,



1 patient, or consumer while inside the residence of the client,  
2 patient, or consumer.

3 (b) "Serious impairment of a body function" means that phrase  
4 as defined in section ~~625(5)-58c~~ of the Michigan vehicle code, 1949  
5 PA 300, MCL ~~257.625-257.58c~~.

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

