

ASSAULT OF EMERGENCY ROOM PERSONNEL

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House Bill 5084 as introduced
Sponsor: Rep. Ben Frederick
Committee: Government Operations
Complete to 12-10-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5084 would amend the Michigan Penal Code to provide increased penalties for an individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers emergency room personnel when the individual knows or should know that they are performing their duties as emergency room personnel. (This provision now applies to specified law enforcement officers, firefighters, emergency medical service personnel, and search and rescue workers.) The bill also would require employers of those specified individuals to post signs to alert the public to the enhanced penalties for assaulting them.

Assault, etc., of emergency room personnel

The code now provides that an individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers any of the following listed persons is guilty of a felony punishable by imprisonment for up to two years or a fine of up to \$2,000, or both (with enhanced penalties under circumstances described below) if the individual knows or has reason to know that the listed person is performing his or her duties:

- A police officer of the state or a political subdivision of the state.
- A duly authorized police officer of a junior college, college, or university.
- A state or federal conservation officer.
- A sheriff or deputy sheriff.
- A constable.
- A peace officer of a duly authorized police agency of the United States, such as an agent of the Secret Service or Department of Justice.
- A firefighter.
- A paramedic, medical first responder, emergency medical technician, emergency medical technician specialist, or emergency medical services instructor-coordinator.
- An individual engaged in a search and rescue operation conducted at the direction of an agency of the state or a political subdivision to locate or rescue a lost, injured, or dead individual.

The bill would add emergency room personnel to the above list, including physicians, nurses, intake clerks, and any other individual employed in the emergency department, emergency room, operating room, or trauma center of a **hospital** licensed under Article 17 of the Public Health Code.

Hospital, as defined in Article 17 of the Public Health Code, means a facility offering inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily direction or supervision of a physician. Hospital does not include a

mental health hospital licensed or operated by the Department of Health and Human Services or a hospital operated by the Department of Corrections.

Assault, etc., causing death or serious injury

The code also provides for the following penalty enhancements, which under the bill would be extended to include emergency room personnel:

- If the violation described above causes a bodily injury to the listed person requiring medical attention or medical care, the individual is guilty of a felony punishable by up to four years or a fine of up to \$5,000, or both.
- If the violation described above causes a ***serious impairment of a body function*** of the listed person, the individual is guilty of a felony punishable by imprisonment for up to 15 years or a fine of up to \$10,000, or both.
- If the violation described above causes the death of the listed person, the individual is guilty of a felony punishable by imprisonment for up to 20 years or a fine of up to \$20,000, or both.

Serious impairment of a body function includes one or more of the following:

- Loss of, or loss of the use of, any of the following:
 - A limb.
 - A foot, hand, finger, or thumb.
 - An eye or ear.
- Loss of an organ.
- Loss or substantial impairment of a bodily function.
- A skull fracture or other serious bone fracture.
- A comatose state that lasts for more than three days.
- Measurable brain or mental impairment.
- Subdural hemorrhage or subdural hematoma.
- Serious visible disfigurement.

Required sign

Finally, the bill would require an employer that employs a listed person as described above (including emergency room personnel) to post a sign at any property used by the employer stating that it is a felony to assault such a person that an individual has reason to know is performing his or her duties.

The bill would take effect 90 days after it is enacted.

MCL 750.81d

FISCAL IMPACT:

House Bill 5084 would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bill is not known.

Violations would be felonies, and new felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2020, the average cost of prison incarceration in a state facility was roughly \$42,200 per prisoner, a figure that includes

various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$4,300 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue.

The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases.

Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.