

HOUSE BILL NO. 5084

June 22, 2021, Introduced by Reps. Frederick, Steenland, Wozniak, Yaroch, Bezotte, Allor, Kahle, Whiteford, Huizenga, Tisdell, Filler, Wakeman, Martin, Roth, Bellino and Beson and referred to the Committee on Government Operations.

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 provided in ~~subsections (2), (3), and~~
2 ~~(4),~~ **this section**, an individual who assaults, batters, wounds,
3 resists, obstructs, opposes, or endangers a person who the
4 individual knows or has reason to know is performing his or her
5 duties is guilty of a felony punishable by imprisonment for not

1 more than 2 years or a fine of not more than \$2,000.00, or both.

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

8 (3) An individual who assaults, batters, wounds, resists,
9 obstructs, opposes, or endangers a person who the individual knows
10 or has reason to know is performing his or her duties causing a
11 serious impairment of a body function of that person is guilty of a
12 felony punishable by imprisonment for not more than 15 years or a
13 fine of not more than \$10,000.00, or both.

14 (4) An individual who assaults, batters, wounds, resists,
15 obstructs, opposes, or endangers a person who the individual knows
16 or has reason to know is performing his or her duties causing the
17 death of that person is guilty of a felony punishable by
18 imprisonment for not more than 20 years or a fine of not more than
19 \$20,000.00, or both.

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

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

27 **(7) An employer that employs a person listed in subsection**
28 **(8) (b) (i) to (xi) shall post a sign at any property used by the**
29 **employer stating that it is a felony to assault a person listed in**

1 subsection (8) (b) (i) to (xi) that an individual has reason to know is
2 performing his or her duties as provided in this section.

3 (8) ~~(7)~~—As used in this section:

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

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

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

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

16 (iii) A conservation officer of the department of natural
17 resources or the department of ~~environmental quality~~. **environment,**
18 **Great Lakes, and energy.**

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
29 section 20950 of the public health code, 1978 PA 368, MCL

1 333.20950.

2 (x) Emergency room personnel, including, but not limited to,
3 physicians, nurses, intake clerks, and any other individual
4 employed in the emergency department, emergency room, operating
5 room, or trauma center of a hospital licensed under article 17 of
6 the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

7 (xi) ~~(x)~~—An individual engaged in a search and rescue operation
8 as that term is defined in section 50c.

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

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