

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4521

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 82 (MCL 750.82), as amended by 1994 PA 158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82. (1) Except as **otherwise** provided in **this subsection**
2 **or** subsection (2), a person who assaults another person with a gun,
3 revolver, pistol, knife, iron bar, club, brass knuckles, or other
4 dangerous weapon without intending to commit murder or to inflict
5 great bodily harm less than murder is guilty of a felony punishable
6 by imprisonment for not more than 4 years or a fine of not more
7 than \$2,000.00, or both. **If the victim of a violation under this**
8 **subsection is a health professional or medical volunteer and the**
9 **violation occurs while the victim is performing the victim's duties**

1 as a health professional or medical volunteer, the person is guilty
2 of a felony punishable by imprisonment for not more than 4 years or
3 a fine of not more than \$4,000.00, or both. The enhanced fine under
4 this subsection does not apply if the defendant is a patient who is
5 receiving treatment from the victim.

6 (2) A person who violates subsection (1) in a weapon free
7 school zone is guilty of a felony punishable by 1 or more of the
8 following:

9 (a) Imprisonment for not more than 4 years.

10 (b) Community service for not more than 150 hours.

11 (c) A fine of not more than \$6,000.00.

12 (3) The operator of a health facility or agency or a hospital
13 or psychiatric hospital shall post a sign in the health facility or
14 agency or hospital or psychiatric hospital in a prominent and
15 visible location that provides that a person, other than a patient
16 receiving treatment, who assaults a health professional or medical
17 volunteer in violation of this section is subject to the enhanced
18 fine as provided for in this section and that a patient receiving
19 treatment who assaults a health professional or medical volunteer
20 may still be subject to prosecution under this section.

21 (4) ~~(3)~~—As used in this section:

22 (a) "Health facility or agency" means a health facility or
23 agency licensed under article 17 of the public health code, 1978 PA
24 368, MCL 333.20101 to 333.22260.

25 (b) "Health professional" means an individual who is employed
26 or granted privileges by or under contract with a hospital or
27 psychiatric hospital, health facility or agency, health system, or
28 health care provider, whether operated by a governmental unit or a
29 private entity, and whose duties within the scope of that

1 employment, privilege, or contract involve the provision of direct
2 patient care and require licensure, registration, certification, or
3 other regulation or authorization under the public health code,
4 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing
5 indirect patient care under the direction of a hospital or
6 psychiatric hospital, health facility or agency, health system, or
7 health care provider.

8 (c) "Hospital or psychiatric hospital" means a hospital or
9 psychiatric hospital licensed under the mental health code, 1974 PA
10 258, MCL 330.1001 to 330.2106.

11 (d) "Medical volunteer" means an individual who is
12 volunteering at a hospital or psychiatric hospital, health facility
13 or agency, in a health system, or with a health care provider,
14 whether operated by a governmental unit or a private entity, and
15 whose duties as a volunteer involve the provision of direct patient
16 care, or who is providing indirect patient care under the direction
17 of a hospital or psychiatric hospital, health facility or agency,
18 health system, or health care provider.

19 (e) ~~(a)~~—"School" means a public, private, denominational, or
20 parochial school offering developmental kindergarten, kindergarten,
21 or any grade from 1 through 12.

22 (f) ~~(b)~~—"School property" means a building, playing field, or
23 property used for school purposes to impart instruction to children
24 or used for functions and events sponsored by a school, except a
25 building used primarily for adult education or college extension
26 courses.

27 (g) ~~(c)~~—"Weapon free school zone" means school property and a
28 vehicle used by a school to transport students to or from school
29 property.

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

3 Enacting section 2. This amendatory act does not take effect
4 unless House Bill No. 4520 of the 102nd Legislature is enacted into
5 law.