

HOUSE BILL NO. 4521

May 04, 2023, Introduced by Reps. Breen and Mueller and referred to the Committee on Criminal Justice.

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**

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

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

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

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

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

14 (3) The operator of a health facility licensed under article
15 17 of the public health code, 1978 PA 368, MCL 333.20101 to
16 333.22260, shall post a sign in the health facility in a prominent
17 and visible location that provides that a person, other than a
18 patient receiving treatment, who assaults a health professional or
19 medical volunteer in violation of this section is subject to the
20 enhanced fine as provided for in this section and that a patient
21 receiving treatment who assaults a health professional or medical
22 volunteer may still be subject to prosecution under this section.

23 (4) ~~(3)~~—As used in this section:

24 (a) "Health professional" means an individual who is employed
25 by a hospital, health system, or health care provider, whether
26 operated by a governmental unit or a private entity, and whose
27 duties within the scope of that employment involve the provision of
28 direct patient care and require licensure, certification, or other
29 regulation under the public health code, 1978 PA 368, MCL 333.1101

1 to 333.25211, or who is providing indirect patient care under the
2 direction of a hospital, health system, or health care provider.

3 (b) "Medical volunteer" means an individual who is
4 volunteering at a hospital, in a health system, or with a health
5 care provider, whether operated by a governmental unit or a private
6 entity, and whose duties as a volunteer involve the provision of
7 direct patient care, or who is providing indirect patient care
8 under the direction of a hospital, health system, or health care
9 provider.

10 (c) ~~(a)~~—"School" means a public, private, denominational, or
11 parochial school offering developmental kindergarten, kindergarten,
12 or any grade from 1 through 12.

13 (d) ~~(b)~~—"School property" means a building, playing field, or
14 property used for school purposes to impart instruction to children
15 or used for functions and events sponsored by a school, except a
16 building used primarily for adult education or college extension
17 courses.

18 (e) ~~(e)~~—"Weapon free school zone" means school property and a
19 vehicle used by a school to transport students to or from school
20 property.

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

23 Enacting section 2. This amendatory act does not take effect
24 unless Senate Bill No. _____ or House Bill No. 4520 (request no.
25 01701'23 *) of the 102nd Legislature is enacted into law.