

SENATE BILL NO. 640

November 07, 2019, Introduced by Senator WOJNO and referred to the Committee on Health Policy and Human Services.

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.