

SUBSTITUTE FOR  
HOUSE BILL NO. 4119

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 411x.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 411X. (1) A DETAINEE OR PRISONER IN A HOLDING CELL,  
2        HOLDING CENTER, LOCKUP, JAIL, OR STATE CORRECTIONAL FACILITY WHO  
3        DOES EITHER OF THE FOLLOWING IS GUILTY OF A FELONY PUNISHABLE BY  
4        IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN  
5        \$2,000.00, OR BOTH:

6        (A) KNOWINGLY THROWS OR ATTEMPTS TO THROW ANY BODILY MATERIAL,  
7        AND THAT BODILY MATERIAL COMES INTO CONTACT WITH ANY EMPLOYEE OR  
8        VOLUNTEER PERFORMING HIS OR HER DUTIES IN THAT HOLDING CELL,  
9        HOLDING CENTER, LOCKUP, JAIL, OR STATE CORRECTIONAL FACILITY.

10        (B) KNOWINGLY CAUSES OR ATTEMPTS TO CAUSE ANY EMPLOYEE OR  
11        VOLUNTEER PERFORMING HIS OR HER DUTIES IN THAT HOLDING CELL,

1   HOLDING CENTER, LOCKUP, JAIL, OR STATE CORRECTIONAL FACILITY TO  
2   COME INTO CONTACT WITH ANY BODILY MATERIAL.

3           (2) THIS SECTION DOES NOT APPLY TO A PRISONER OR DETAINEE WHO  
4   VIOLATES SUBSECTION (1) BECAUSE HE OR SHE HAS A MENTAL ILLNESS OR  
5   INTELLECTUAL DISABILITY FOR WHICH HE OR SHE HAS RECEIVED A  
6   DIAGNOSIS BY A MENTAL HEALTH PROFESSIONAL OR FOR WHICH HE OR SHE IS  
7   CURRENTLY RECEIVING TREATMENT BY A MENTAL HEALTH PROFESSIONAL.

8           (3) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING  
9   CHARGED WITH, CONVICTED OF, AND SENTENCED FOR ANY OTHER VIOLATION  
10  OF LAW IN LIEU OF BEING CHARGED WITH, CONVICTED OF, AND SENTENCED  
11  FOR A VIOLATION OF THIS SECTION.

12          (4) AS USED IN THIS SECTION:

13          (A) "BODILY MATERIAL" MEANS BLOOD, URINE, SALIVA, SEMEN, OR  
14  FECES.

15          (B) "HOLDING CELL", "HOLDING CENTER", "LOCKUP", "JAIL", AND  
16  "STATE CORRECTIONAL FACILITY" MEAN THOSE TERMS AS DEFINED IN  
17  SECTION 62 OF THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL  
18  791.262.

19          (C) "INTELLECTUAL DISABILITY" MEANS THAT TERM AS DEFINED IN  
20  SECTION 100B OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100B.

21          (D) "MENTAL HEALTH PROFESSIONAL" MEANS THAT TERM AS DEFINED IN  
22  SECTION 100B OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100B.

23          (E) "MENTAL ILLNESS" MEANS THAT TERM AS DEFINED IN SECTION 400  
24  OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1400.