

**INCREASE PENALTIES FOR
ASSAULTING PEACE OFFICERS**

House Bill 4735
Committee: Judiciary

House Bill 4736
**Committee: Conservation, Environment
and Recreation**

Sponsor: Rep. Beverly Bodem

Complete to 9-15-97

A SUMMARY OF HOUSE BILLS 4735 AND 4736 AS INTRODUCED 4-30-97

Currently under Chapter LXX ("Public Offices and Officers") of the Michigan Penal Code, it is a misdemeanor, punishable by imprisonment for up to two years or by a fine of up to \$1,000, to "obstruct, resist, oppose, assault, beat or wound" any "sheriff, coroner, township treasurer, constable or other officer . . . or any other person or persons authorized by law to maintain and preserve the peace, in their lawful acts, attempts and efforts to maintain, preserve and keep the peace."

House Bill 4735 (MCL 750.81c, 750.479, and 750.479a) would add a new section to Chapter XI ("Assaults") of the penal code to establish penalties specifically for assaulting or battering a "peace officer" (which the bill also would define), with a higher penalty imposed if the assault or battering resulted in physical injury to the peace officer. More specifically, the bill would make it a felony (rather than a misdemeanor), punishable by imprisonment for up to two years and/or a fine of \$1,000, to assault or batter a peace officer. If an individual assaulted or battered a peace officer and that assault or battery inflicted physical injury on the peace officer, the violation would be a felony punishable by imprisonment for four years and/or a fine of up to \$2,000. The section imposing a more severe penalty for physically injuring a peace officer would not prohibit the violator from being prosecuted under any other applicable law in lieu of prosecution under this section of the bill. The bill would define "peace officer" to mean any state or local police officer (including Department of State Police motor carrier officers), any federal police officers, any state sheriff or sheriff's deputy, college or university public safety officers, and state and federal conservation officers.

The bill also would rewrite the existing section in Chapter LXX of the penal code providing penalties for resisting, obstructing, opposing, assaulting, beating, or wounding an officer in his or her discharge of duty. The rewritten section would apply to all officers other than peace officers, as defined in the bill, and would increase the penalty for such behavior by allowing both (instead of either) imprisonment for up to two years and a fine of up to \$1,000.

Finally, the bill would amend the section of the penal code in Chapter LXX that prohibits, and imposes penalties for, fleeing and eluding police or conservation officers' directions to stop a vehicle. The bill would delete the subsection that makes it a misdemeanor, punishable by a fine of up to \$1,000 and/or imprisonment for up to two years, to forcibly assault or commit "a bodily

injury requiring medical care or attention" upon a peace or police officer engaged in making a lawful arrest.

Part 16 of the Natural Resources and Environmental Protection Act (MCL 324.1608) specifies that assault or battery on a Department of Natural Resources' (DNR) employee who is performing departmental duties is a misdemeanor, and the punishment is the same as that prescribed for resisting or obstructing a police officer: up to two years in prison or a fine of up to \$1,000. House Bill 4736 would amend the act to specify that, instead, such an offense would be a crime punishable as provided in the Michigan Penal Code (as proposed in House Bill 4735). The bill is tie-barred to House Bill 4735.

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