

HOUSE BILL No. 5440

November 1, 2001, Introduced by Reps. Faunce, Raczkowski, Kooiman, Julian, Howell, Woronchak, Sanborn and Mortimer and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 81d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 81D. (1) EXCEPT AS PROVIDED IN SUBSECTIONS (2), (3),
2 AND (4), AN INDIVIDUAL WHO ASSAULTS OR BATTERS A PEACE OFFICER
3 WHO THE INDIVIDUAL KNOWS OR HAS REASON TO KNOW IS PERFORMING HIS
4 OR HER DUTIES AS A PEACE OFFICER IS GUILTY OF A FELONY PUNISHABLE
5 BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE
6 THAN \$1,000.00, OR BOTH.

7 (2) AN INDIVIDUAL WHO ASSAULTS OR BATTERS A PEACE OFFICER
8 WHO THE INDIVIDUAL KNOWS OR HAS REASON TO KNOW IS PERFORMING HIS
9 OR HER DUTIES AS A PEACE OFFICER AND BY THAT ASSAULT OR BATTERY
10 INFLICTS BODILY INJURY REQUIRING MEDICAL ATTENTION OR MEDICAL
11 CARE ON THAT PEACE OFFICER IS GUILTY OF A FELONY PUNISHABLE BY

1 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
2 \$5,000.00, OR BOTH.

3 (3) AN INDIVIDUAL WHO ASSAULTS OR BATTERS A PEACE OFFICER
4 WHO THE INDIVIDUAL KNOWS OR HAS REASON TO KNOW IS PERFORMING HIS
5 OR HER DUTIES AS A PEACE OFFICER AND BY THAT ASSAULT OR BATTERY
6 INFLICTS SERIOUS INJURY ON THAT PEACE OFFICER IS GUILTY OF A
7 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A
8 FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

9 (4) AN INDIVIDUAL WHO ASSAULTS OR BATTERS A PEACE OFFICER
10 WHO THE INDIVIDUAL KNOWS OR HAS REASON TO KNOW IS PERFORMING HIS
11 OR HER DUTIES AS A PEACE OFFICER AND BY THAT ASSAULT OR BATTERY
12 CAUSES THE DEATH OF THAT PEACE OFFICER IS GUILTY OF A FELONY PUN-
13 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF
14 NOT MORE THAN \$20,000.00, OR BOTH.

15 (5) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING
16 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION
17 OF LAW THAT IS COMMITTED BY THAT INDIVIDUAL WHILE VIOLATING THIS
18 SECTION.

19 (6) A TERM OF IMPRISONMENT IMPOSED FOR A VIOLATION OF THIS
20 SECTION MAY RUN CONSECUTIVELY TO ANY TERM OF IMPRISONMENT IMPOSED
21 FOR ANOTHER VIOLATION ARISING FROM THE SAME TRANSACTION.

22 (7) AS USED IN THIS SECTION:

23 (A) "PEACE OFFICER" MEANS ANY OF THE FOLLOWING:

24 (i) A POLICE OFFICER OF THIS STATE OR OF A POLITICAL SUBDI-
25 VISION OF THIS STATE INCLUDING, BUT NOT LIMITED TO, A MOTOR CAR-
26 RIER OFFICER OF THE DEPARTMENT OF STATE POLICE.

1 (ii) A POLICE OFFICER OF ANOTHER STATE OR OF A POLITICAL
2 SUBDIVISION OF ANOTHER STATE.

3 (iii) A POLICE OFFICER OF ANY ENTITY OF THE UNITED STATES.

4 (iv) THE SHERIFF OF A COUNTY OF THIS STATE OR THE SHERIFF'S
5 DEPUTY.

6 (v) THE SHERIFF OF A POLITICAL SUBDIVISION OF ANOTHER STATE
7 OR THE SHERIFF'S DEPUTY.

8 (vi) A PUBLIC SAFETY OFFICER OF A COMMUNITY COLLEGE, COL-
9 LEGE, OR UNIVERSITY WHO IS AUTHORIZED BY THE GOVERNING BOARD OF
10 THAT COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY TO ENFORCE THE LAW
11 OF THIS STATE OR OF ANOTHER STATE AND THE RULES AND ORDINANCES OF
12 THAT COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

13 (vii) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL
14 RESOURCES.

15 (viii) A CONSERVATION OFFICER OF ANOTHER STATE.

16 (ix) A CONSERVATION OFFICER OF THE UNITED STATES DEPARTMENT
17 OF INTERIOR.

18 (B) "SERIOUS INJURY" MEANS THAT TERM AS DEFINED IN SECTION
19 479A.

20 Enacting section 1. This amendatory act does not take
21 effect unless Senate Bill No. _____ or House Bill No. 5442
22 (request no. 04124'01 **) of the 91st Legislature is enacted into
23 law.