

# Legislative Analysis

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## ASSAULT ON HEALTH PROFESSIONAL: ENHANCED PENALTY

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### Senate Bills 250 & 360

Sponsor: Sen. Goeff Hansen

House Committee: Criminal Justice

Senate Committee: Judiciary

Complete to 10-8-13

## A SUMMARY OF SENATE BILLS 250 AND 360 AS PASSED BY THE SENATE 6-12-13

Senate Bill 250 would extend to health professionals who provide direct patient care the same protections in law from attacks that are afforded to law enforcement officers, fire fighters, persons engaged in a search-and-rescue operation, and emergency service personnel when performing their duties.

Senate Bill 360 would place the maximum terms of imprisonment for a violation of Senate Bill 250 in the sentencing guidelines. The bill is tie-barred to Senate Bill 250, meaning that the bill could not take effect unless Senate Bill 250 was also enacted.

The provisions would take effect 90 days after the bills were enacted into law.

**Senate Bill 250** would amend the Michigan Penal Code (MCL 750.81d). Currently, the Penal Code prescribes criminal penalties for an individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a "person" whom the individual knows or has reason to know is performing his or her duties. (See the definition below.)

The bill would apply the penalties also to an individual who assaults, wounds, endangers, etc., a health professional. "Health professional" would mean an individual (1) employed by a public or private hospital, health system, or health care provider (2) whose duties within the scope of that employment involve providing direct patient care and (3) whose duties require licensure, certification, or other regulation under the Public Health Code or supervision by another individual regulated under the code.

### Current penalties

The penalties are tiered based on the severity of the underlying offense. The following felony penalties apply currently and would also apply to conduct against a health professional under the bill:

- A violation with no injuries to a person is punishable by no more than two years in prison and/or a fine of not more than \$2,000.
- Causing a bodily injury requiring medical attention or medical care is punishable by not more than four years' imprisonment and/or a maximum fine of \$5,000.

- Causing a serious impairment of a bodily function (as defined in Sec. 58c of the Michigan Vehicle Code) is punishable by no more than 15 years' imprisonment and/or a maximum fine of \$10,000.
- Causing death is punishable by a maximum term of imprisonment of 20 years and/or a maximum fine of \$20,000.

"Person" is defined in the code as any of the following:

- A police officer of this state or of a political subdivision of this state, including a motor carrier officer or Capitol security officer of the Department of State Police.
- A police officer of a junior college, college, or university who is authorized to enforce state law and the rules and ordinances of that institution.
- A Department of Natural Resources or Department of Environmental Quality conservation officer.
- A U.S. Department of the Interior conservation officer.
- A sheriff or deputy sheriff.
- A constable.
- A peace officer of a duly authorized police agency of the United States, including an agent of the Secret Service or Department of Justice.
- A firefighter.
- Emergency medical service personnel.
- An individual engaged in a search-and-rescue operation as that term is defined in Section 50c of the code.

**Senate Bill 360** would amend the Code of Criminal Procedure (MCL 777.16d) to specify that assaulting, battering, or endangering a health professional would be a Class G felony against a person with a two-year maximum term of imprisonment. The bill would also revise the sentencing guidelines involving an injury or death to the persons listed in MCL 750.81d to include injury or death to a health professional.

#### **FISCAL IMPACT:**

The bill would result in increased costs to the state's correctional system. Information is not available on the number of persons that would be convicted for assaulting, wounding, endangering, battering, obstructing, etc., health professionals. New felony convictions would result in increased costs related to state prisons, and state probation supervision. The average cost of prison incarceration in a state facility is roughly \$35,500 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision average about \$3,000 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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