



Senate Fiscal Agency
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Senate Bill 250 (Substitute S-2 as reported by the Committee of the Whole)
Senate Bill 360 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Goeff Hansen
Committee: Judiciary

CONTENT

Senate Bill 250 (S-2) would amend the Michigan Penal Code to prescribe felony penalties for an individual who assaulted, battered, wounded, or endangered a health professional whom the individual knew or had reason to know was performing his or her duties.

The Penal Code prescribes criminal penalties for an individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a police officer, peace officer, firefighter, emergency medical service personnel, or other listed person, whom the individual knows or has reason to know is performing his or her duties.

A violation of the current prohibition is a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000. If the violation causes a bodily injury requiring medical attention or medical care, it is punishable by up to four years' imprisonment and/or a maximum fine of \$5,000. If the violation causes serious impairment of a body function, the penalty is up to 15 years and/or \$10,000. A violation causing death is punishable by up to 20 years and/or \$20,000. A term of imprisonment may run consecutively to any term imposed for another violation arising from the same transaction.

Under the bill, the same penalties would apply to a person who assaulted, battered, wounded, or endangered a health professional knowing or having reason to know the health professional was performing his or her duties.

"Health professional" would mean an individual employed by a hospital, health system, or health care provider whose duties within the scope of employment involve the provision of direct patient care and require licensure, certification, or other regulation under the Public Health Code or supervision by another individual regulated under the Public Health Code.

Senate Bill 360 (S-1) would amend the Code of Criminal Procedure to include in the sentencing guidelines the felonies proposed by Senate Bill 250 (S-2). Assaulting, battering, or endangering a health professional would be a Class G felony against a person, with a statutory maximum sentence of two years' imprisonment. The bill also would include health professionals in the current sentencing guidelines for assaulting, resisting, or obstructing other personnel, as shown in the table below.

Offense	Class & Category	Stat. Max. Sentence
Assaulting, resisting, or obstructing, causing injury	F-Person	4 years
Assaulting, resisting, or obstructing, causing serious impairment	C-Person	15 years
Assaulting, resisting, or obstructing, causing death	B-Person	20 years

Senate Bill 360 (S-1) is tie-barred to Senate Bill 250.

MCL 750.81d (S.B. 250)
777.16d (S.B. 360)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would result in an indeterminate increase in costs of incarceration and community supervision. In 2011, there were 3,014 individuals convicted of the crime that would be expanded under Senate Bill 250 (S-2): 2,824 individuals were convicted of the base offense, 180 were convicted of causing bodily injury, nine were convicted of causing serious impairment, and one was convicted of causing death.

Date Completed: 6-11-13

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.