



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 250 (Substitute S-1)
Senate Bill 360 (as introduced 5-14-13)
Sponsor: Senator Goeff Hansen
Committee: Judiciary

Date Completed: 5-22-13

CONTENT

Senate Bill 250 (S-1) would amend the Michigan Penal Code to prohibit and prescribe felony penalties for assaulting, battering, wounding, or endangering a nurse or physician performing his or her duties.

Senate Bill 360 would amend the Code of Criminal Procedure to include in the sentencing guidelines the felonies proposed by Senate Bill 250 (S-1).

Senate Bill 360 is tie-barred to Senate Bill 250.

Senate Bill 250 (S-1)

The Penal Code prescribes criminal penalties for an individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person who is 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.

The bill also would prescribe criminal penalties for an individual who assaulted, battered, wounded, or endangered a nurse or physician whom the individual knew or had reason to know was 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, it is punishable by up to 15 years' imprisonment and/or a maximum fine of \$10,000. A violation causing death is punishable by up to 20 years' imprisonment and/or a maximum fine of \$20,000. A term of imprisonment may run consecutively to any term of imprisonment 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 nurse or physician knowing or having reason to know the nurse or physician was performing his or her duties.

Senate Bill 360

Under the bill, assaulting, battering, or endangering a nurse or physician would be a Class G felony against a person, with a statutory maximum sentence of two years' imprisonment.

The bill also would include assaulting, resisting, or obstructing nurses or physicians in the current sentencing guidelines, as shown in Table 1.

Table 1

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

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-1): 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.

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.