

HOUSE BILL No. 5728

June 8, 2016, Introduced by Reps. Liberati, Geiss, Plawecki, Cochran, Wittenberg, Singh, Brinks, Chirkun, Greig, Darany and Chang 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 81f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 81F. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
2 PERSON WHO ASSAULTS OR ASSAULTS AND BATTERS AN INDIVIDUAL WITH A
3 DEVELOPMENTAL DISABILITY AND WHO KNOWS THE INDIVIDUAL HAS A
4 DEVELOPMENTAL DISABILITY IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
5 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
6 \$1,000.00, OR BOTH.

7 (2) A PERSON WHO COMMITS AN ASSAULT OR AN ASSAULT AND BATTERY
8 IN VIOLATION OF SUBSECTION (1) AND WHO HAS 1 OR MORE PREVIOUS
9 CONVICTIONS FOR VIOLATING SUBSECTION (1) OR AN ORDINANCE OF A
10 POLITICAL SUBDIVISION OF THIS STATE OR OF ANOTHER STATE
11 SUBSTANTIALLY CORRESPONDING TO SUBSECTION (1) IS GUILTY OF A FELONY

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

3 (3) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL USING
4 NECESSARY REASONABLE PHYSICAL FORCE IN COMPLIANCE WITH SECTION 1312
5 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1312.

6 (4) AS USED IN THIS SECTION, "DEVELOPMENTAL DISABILITY" MEANS
7 THAT TERM AS DEFINED IN SECTION 520A(B) OF THE MICHIGAN PENAL CODE,
8 1931 PA 328, MCL 750.520A.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.