

HOUSE BILL No. 5600

February 7, 2002, Introduced by Reps. Kowall, Richardville, Meyer, Julian, Mortimer, Voorhees, Rocca, George, Patterson, Kuipers, Birkholz, Gilbert, Scranton, Gosselin, Bovin, Cameron Brown, Stewart, Ehardt, DeRossett, Bishop, Shackleton, Van Woerkom, Allen, Koetje, Newell, Tabor, Pappageorge and Cassis 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 479c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 479C. (1) A PERSON WHO COMMITS ANY ACT OR OMISSION IN
2 RECKLESS DISREGARD OF THE SAFETY OF AN EMERGENCY RESPONSE WORKER
3 PERFORMING HIS OR HER DUTIES AS AN EMERGENCY RESPONSE WORKER IS
4 GUILTY OF A CRIME AS FOLLOWS:

5 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PERSON IS
6 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
7 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

8 (B) IF THE VIOLATION RESULTS IN PHYSICAL INJURY TO ANY EMER-
9 GENCY RESPONSE WORKER, THE PERSON IS GUILTY OF A FELONY
10 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
11 NOT MORE THAN \$2,000.00, OR BOTH.

1 (2) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR
2 VIOLATING THIS SECTION TO BE SERVED CONSECUTIVELY TO ANY OTHER
3 TERM OF IMPRISONMENT FOR ANY VIOLATION ARISING OUT OF THE SAME
4 TRANSACTION AS THE VIOLATION OF THIS SECTION.

5 (3) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
6 PROSECUTED FOR, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLA-
7 TION ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
8 SECTION.

9 (4) AS USED IN THIS SECTION:

10 (A) "EMERGENCY RESPONSE WORKER" MEANS ANY OF THE FOLLOWING:

11 (i) A PEACE OFFICER.

12 (ii) A FIREFIGHTER.

13 (iii) EMERGENCY MEDICAL SERVICE PERSONNEL AS DESCRIBED IN
14 SECTION 20950 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
15 333.20950.

16 (B) "PEACE OFFICER" MEANS ANY OF THE FOLLOWING:

17 (i) A POLICE OFFICER OF THIS STATE OR A POLITICAL SUBDIVI-
18 SION OF THIS STATE.

19 (ii) THE SHERIFF OF A COUNTY OF THIS STATE OR THE SHERIFF'S
20 DEPUTY.

21 (iii) A PUBLIC SAFETY OFFICER OF A COLLEGE OR UNIVERSITY WHO
22 IS AUTHORIZED BY THE GOVERNING BOARD OF THAT COLLEGE OR UNIVER-
23 SITY TO ENFORCE STATE LAW AND THE RULES AND ORDINANCES OF THAT
24 COLLEGE OR UNIVERSITY.

25 (iv) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL
26 RESOURCES.