

HOUSE BILL No. 5589

May 20, 2014, Introduced by Reps. Yanez, Switalski, Cavanagh, Hovey-Wright, Brown, Segal, Cochran, Haugh, Slavens, Geiss, Dianda, Roberts, Faris, Durhal, Lane and Darany and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81c (MCL 750.81c), as added by 2001 PA 22.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81c. (1) A person who communicates to any person a threat
2 that he or she will physically harm an individual who **THE PERSON**
3 **KNOWS OR HAS REASON TO KNOW** is **PERFORMING HIS OR HER DUTIES AS** an
4 employee of the ~~family independence agency and~~**DEPARTMENT OF HUMAN**
5 **SERVICES OR AS A HOME HEALTH CARE WORKER, OR** who does so because of
6 the individual's status as ~~an~~**A DEPARTMENT OF HUMAN SERVICES**
7 employee ~~of that agency~~**OR AS A HOME HEALTH CARE WORKER,** is guilty
8 of a misdemeanor punishable by imprisonment for not more than 1
9 year or a fine of not more than \$1,000.00, or both.

10 (2) **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON WHO**
11 **ASSAULTS OR ASSAULTS AND BATTERS AN INDIVIDUAL WHO THE PERSON KNOWS**

1 OR HAS REASON TO KNOW IS PERFORMING HIS OR HER DUTIES AS AN
2 EMPLOYEE OF THE DEPARTMENT OF HUMAN SERVICES OR AS A HOME HEALTH
3 CARE WORKER, OR WHO DOES SO BECAUSE OF THE INDIVIDUAL'S STATUS AS A
4 DEPARTMENT OF HUMAN SERVICES EMPLOYEE OR AS A HOME HEALTH CARE
5 WORKER, IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
6 MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

7 (3) ~~(2)~~ Except as OTHERWISE provided in ~~subsection (3)~~, THIS
8 SECTION, a person who assaults or assaults and batters an
9 individual ~~while the individual~~ WHO THE PERSON KNOWS OR HAS REASON
10 TO KNOW is performing his or her duties as an employee of the
11 ~~family independence agency~~ DEPARTMENT OF HUMAN SERVICES OR AS A
12 HOME HEALTH CARE WORKER, or WHO DOES SO because of the individual's
13 status as an ~~A DEPARTMENT OF HUMAN SERVICES~~ employee of that agency
14 and ~~causes the individual~~ OR AS A HOME HEALTH CARE WORKER, CAUSING
15 any ~~physical~~ BODILY injury REQUIRING MEDICAL ATTENTION OR MEDICAL
16 CARE is guilty of a felony punishable by imprisonment for not more
17 than ~~2-4~~ years or a fine of not more than ~~\$1,000.00,~~ \$5,000.00, or
18 both.

19 (4) ~~(3)~~ A EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
20 person who assaults or assaults and batters an individual ~~while the~~
21 ~~individual~~ WHO THE PERSON KNOWS OR HAS REASON TO KNOW is performing
22 his or her duties as an employee of the ~~family independence agency~~
23 DEPARTMENT OF HUMAN SERVICES OR AS A HOME HEALTH CARE WORKER, or
24 WHO DOES SO because of the individual's status as an ~~A DEPARTMENT~~
25 ~~OF HUMAN SERVICES~~ employee of that agency and ~~causes~~ OR AS A HOME
26 HEALTH CARE WORKER, CAUSING the individual serious impairment of
27 body function is guilty of a felony punishable by imprisonment for

1 not more than ~~5-15~~ years or a fine of not less than ~~\$1,000.00~~ or
2 more than ~~\$5,000.00~~, ~~\$10,000.00~~, or both.

3 (5) A PERSON WHO ASSAULTS OR ASSAULTS AND BATTERS AN
4 INDIVIDUAL WHO THE PERSON KNOWS OR HAS REASON TO KNOW IS PERFORMING
5 HIS OR HER DUTIES AS AN EMPLOYEE OF THE DEPARTMENT OF HUMAN
6 SERVICES OR AS A HOME HEALTH CARE WORKER, OR WHO DOES SO BECAUSE OF
7 THE INDIVIDUAL'S STATUS AS A DEPARTMENT OF HUMAN SERVICES EMPLOYEE
8 OR AS A HOME HEALTH CARE WORKER, CAUSING THE DEATH OF THAT
9 INDIVIDUAL IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
10 MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR BOTH.

11 (6) ~~(4)~~ A conviction or sentence imposed for a violation of
12 this section does not preclude a **CHARGE**, conviction, or sentence
13 for a violation of ~~any other applicable law~~ **THAT IS COMMITTED BY**
14 **THAT PERSON WHILE VIOLATING THIS SECTION.**

15 (7) A TERM OF IMPRISONMENT IMPOSED FOR A VIOLATION OF THIS
16 SECTION MAY RUN CONSECUTIVELY TO ANY TERM OF IMPRISONMENT IMPOSED
17 FOR ANOTHER VIOLATION ARISING FROM THE SAME TRANSACTION.

18 (8) (5) As used in this section: ~~"serious~~

19 (A) "HOME HEALTH CARE WORKER" MEANS AN INDIVIDUAL WHO, AS A
20 CONDITION OF HIS OR HER EMPLOYMENT, PERFORMS DUTIES RELATED TO
21 PHYSICAL HEALTH OR PSYCHOLOGICAL HEALTH, OR BOTH, OF A CLIENT,
22 PATIENT, OR CONSUMER WHILE INSIDE THE RESIDENCE OF THE CLIENT,
23 PATIENT, OR CONSUMER.

24 (B) "SERIOUS impairment of body function" means that phrase as
25 defined in section 625(5) of the Michigan vehicle code, 1949 PA
26 300, MCL 257.625.