



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 33 (as introduced 1-18-17)
Sponsor: Senator Ken Horn
Committee: Judiciary

Date Completed: 1-27-17

CONTENT

The bill would amend the Michigan Penal Code to extend to emergency room personnel a prohibition against assaulting, battering, wounding, resisting, or endangering law enforcement or other emergency personnel.

The Penal Code prescribes criminal felony penalties for an individual who assaults, batters, wounds, resists, obstructs, opposes, or endangers a person whom the individual knows or has reason to know is performing his or her duties. "Person" means any of the following:

- A police officer of this State or of a political subdivision of this State, including a motor carrier officer or Capitol security officer of the Department of State Police.
- A police officer of a junior college, college, or university who is authorized to enforce State law and the rules and ordinances of that institution.
- A Department of Natural Resources or Department of Environmental Quality conservation officer.
- A U.S. Department of the Interior conservation officer.
- A sheriff or deputy sheriff.
- A constable.
- A peace officer of a duly authorized police agency of the United States, including an agent of the Secret Service or Department of Justice.
- A firefighter.
- Emergency medical service personnel.
- An individual engaged in a search and rescue operation.

The bill would include in the definition of "person" emergency room personnel, including physicians, nurses, intake clerks, and any other individual employed in the emergency department, emergency room, operating room, or trauma center of a hospital licensed under Article 17 (Facilities and Agencies) of the Public Health Code.

(The offense is punishable by imprisonment for up to two years or a maximum fine of \$2,000, or both. If the violation causes bodily injury requiring medical attention or medical care to the victim, the penalty is up to four years' imprisonment or a \$5,000 maximum fine, or both. If the violation causes a serious impairment of a body function of the victim, the maximum penalty is 15 years and/or \$10,000. If the violation causes the death of the victim, the maximum penalty is 20 years and/or \$20,000.)

The bill would take effect 90 days after its enactment.

MCL 750.81d

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could have a negative fiscal impact on the State and local government. More felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

Fiscal Analyst: Ryan Bergan

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