

**SUBSTITUTE FOR
HOUSE BILL NO. 5440**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 81d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 81D. (1) EXCEPT AS PROVIDED IN SUBSECTIONS (2), (3),
2 AND (4), AN INDIVIDUAL WHO ASSAULTS OR BATTERS A PEACE OFFICER
3 WHO THE INDIVIDUAL KNOWS OR HAS REASON TO KNOW IS PERFORMING HIS
4 OR HER DUTIES AS A PEACE OFFICER IS GUILTY OF A FELONY PUNISHABLE
5 BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE
6 THAN \$1,000.00, OR BOTH.

7 (2) AN INDIVIDUAL WHO ASSAULTS OR BATTERS A PEACE OFFICER
8 WHO THE INDIVIDUAL KNOWS OR HAS REASON TO KNOW IS PERFORMING HIS
9 OR HER DUTIES AS A PEACE OFFICER AND BY THAT ASSAULT OR BATTERY
10 INFLICTS BODILY INJURY REQUIRING MEDICAL ATTENTION OR MEDICAL
11 CARE ON THAT PEACE OFFICER IS GUILTY OF A FELONY PUNISHABLE BY

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1 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
2 \$5,000.00, OR BOTH.

3 (3) AN INDIVIDUAL WHO ASSAULTS OR BATTERS A PEACE OFFICER
4 WHO THE INDIVIDUAL KNOWS OR HAS REASON TO KNOW IS PERFORMING HIS
5 OR HER DUTIES AS A PEACE OFFICER AND BY THAT ASSAULT OR BATTERY
6 INFLECTS SERIOUS INJURY ON THAT PEACE OFFICER IS GUILTY OF A
7 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A
8 FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

9 (4) AN INDIVIDUAL WHO ASSAULTS OR BATTERS A PEACE OFFICER
10 WHO THE INDIVIDUAL KNOWS OR HAS REASON TO KNOW IS PERFORMING HIS
11 OR HER DUTIES AS A PEACE OFFICER AND BY THAT ASSAULT OR BATTERY
12 CAUSES THE DEATH OF THAT PEACE OFFICER IS GUILTY OF A FELONY PUN-
13 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF
14 NOT MORE THAN \$20,000.00, OR BOTH.

15 (5) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING
16 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION
17 OF LAW THAT IS COMMITTED BY THAT INDIVIDUAL WHILE VIOLATING THIS
18 SECTION.

19 (6) A TERM OF IMPRISONMENT IMPOSED FOR A VIOLATION OF THIS
20 SECTION MAY RUN CONSECUTIVELY TO ANY TERM OF IMPRISONMENT IMPOSED
21 FOR ANOTHER VIOLATION ARISING FROM THE SAME TRANSACTION.

22 (7) AS USED IN THIS SECTION:

23 (A) "PEACE OFFICER" MEANS ANY OF THE FOLLOWING:

24 (i) A POLICE OFFICER OF THIS STATE OR OF A POLITICAL SUBDI-
25 VISION OF THIS STATE INCLUDING, BUT NOT LIMITED TO, A MOTOR CAR-
26 RIER OFFICER OF THE DEPARTMENT OF STATE POLICE.

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1 (ii) A POLICE OFFICER OF A JUNIOR COLLEGE, COLLEGE, OR
2 UNIVERSITY WHO IS AUTHORIZED BY THE GOVERNING BOARD OF THAT
3 JUNIOR COLLEGE, COLLEGE, OR UNIVERSITY TO ENFORCE STATE LAW AND
4 THE RULES AND ORDINANCES OF THAT JUNIOR COLLEGE, COLLEGE, OR
5 UNIVERSITY.

6 (iii) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL
7 RESOURCES OR THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

8 (iv) A CONSERVATION OFFICER OF THE UNITED STATES DEPARTMENT
9 OF THE INTERIOR.

10 (v) A SHERIFF OR DEPUTY SHERIFF.

11 (vi) A CONSTABLE.

12 (vii) A PEACE OFFICER OF A DULY AUTHORIZED POLICE AGENCY OF
13 THE UNITED STATES, INCLUDING, BUT NOT LIMITED TO, AN AGENT OF THE
14 SECRET SERVICE OR DEPARTMENT OF JUSTICE.

15 (B) "SERIOUS INJURY" MEANS THAT TERM AS DEFINED IN SECTION
16 479A.

[Enacting section 1. This amendatory act takes effect July 1,
2002.]

17 Enacting section [2]. This amendatory act does not take
18 effect unless House Bill No. 5442 of the 91st Legislature is
19 enacted into law.