

**SENATE 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, BATTERS, WOUNDS, RESISTS,  
3   OBSTRUCTS, OPPOSES, OR ENDANGERS A PERSON WHO THE INDIVIDUAL  
4   KNOWS OR HAS REASON TO KNOW IS PERFORMING HIS OR HER DUTIES IS  
5   GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2  
6   YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.  
7           (2) AN INDIVIDUAL WHO ASSAULTS, BATTERS, WOUNDS, RESISTS,  
8   OBSTRUCTS, OPPOSES, OR ENDANGERS A PERSON WHO THE INDIVIDUAL  
9   KNOWS OR HAS REASON TO KNOW IS PERFORMING HIS OR HER DUTIES  
10   CAUSING A BODILY INJURY REQUIRING MEDICAL ATTENTION OR MEDICAL  
11   CARE TO THAT PERSON 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, BATTERS, WOUNDS, RESISTS,  
4 OBSTRUCTS, OPPOSES, OR ENDANGERS A PERSON WHO THE INDIVIDUAL  
5 KNOWS OR HAS REASON TO KNOW IS PERFORMING HIS OR HER DUTIES CAUS-  
6 ING A SERIOUS IMPAIRMENT OF A BODY FUNCTION OF THAT PERSON IS  
7 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN  
8 15 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

9 (4) AN INDIVIDUAL WHO ASSAULTS, BATTERS, WOUNDS, RESISTS,  
10 OBSTRUCTS, OPPOSES, OR ENDANGERS A PERSON WHO THE INDIVIDUAL  
11 KNOWS OR HAS REASON TO KNOW IS PERFORMING HIS OR HER DUTIES CAUS-  
12 ING THE DEATH OF THAT PERSON IS GUILTY OF A FELONY PUNISHABLE BY  
13 IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE  
14 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) "OBSTRUCT" INCLUDES THE USE OR THREATENED USE OF PHYSI-  
24 CAL INTERFERENCE OR FORCE OR A KNOWING FAILURE TO COMPLY WITH A  
25 LAWFUL COMMAND.

26 (B) "PERSON" MEANS ANY OF THE FOLLOWING:

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1           (i) A POLICE OFFICER OF THIS STATE OR OF A POLITICAL  
2 SUBDIVISION OF THIS STATE INCLUDING, BUT NOT LIMITED TO, A MOTOR  
3 CARRIER OFFICER OR CAPITOL SECURITY OFFICER OF THE DEPARTMENT OF  
4 STATE POLICE.

5           (ii) A POLICE OFFICER OF A JUNIOR COLLEGE, COLLEGE, OR UNI-  
6 VERSITY WHO IS AUTHORIZED BY THE GOVERNING BOARD OF THAT JUNIOR  
7 COLLEGE, COLLEGE, OR UNIVERSITY TO ENFORCE STATE LAW AND THE  
8 RULES AND ORDINANCES OF THAT JUNIOR COLLEGE, COLLEGE, OR  
9 UNIVERSITY.

10           (iii) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL  
11 RESOURCES OR THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

12           (iv) A CONSERVATION OFFICER OF THE UNITED STATES DEPARTMENT  
13 OF THE INTERIOR.

14           (v) A SHERIFF OR DEPUTY SHERIFF.

15           (vi) A CONSTABLE.

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

19           (viii) A FIREFIGHTER.

20           (ix) ANY EMERGENCY MEDICAL SERVICE PERSONNEL DESCRIBED IN  
21 SECTION 20950 OF THE PUBLIC HEALTH CODE, 1978 PA 368,  
22 MCL 333.20950.

23           (C) "SERIOUS IMPAIRMENT OF A BODY FUNCTION" MEANS THAT TERM  
24 AS DEFINED IN SECTION 58C OF THE MICHIGAN VEHICLE CODE, 1949  
25 PA 300, MCL 257.58C.

26           Enacting section 1. This amendatory act takes effect  
27 July 15, 2002.

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1           Enacting section 2. This amendatory act does not take  
2 effect unless House Bill No. 5442 of the 91st Legislature is  
3 enacted into law.