




Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 642 and 643 (as introduced 9-13-11)
Sponsor: Senator Rick Jones (S.B. 642)
Senator Roger Kahn, M.D. (S.B. 643)
Committee: Judiciary

Date Completed: 9-20-11

CONTENT

Senate Bill 642 would amend the Michigan Penal Code to prescribe a felony penalty for assault, battery, or assault and battery of a health care professional while he or she was performing his or her professional duties.

Senate Bill 643 would amend the Code of Criminal Procedure to add the felony proposed by Senate Bill 642 to the sentencing guidelines.

Senate Bill 643 is tie-barred to Senate Bill 642.

Senate Bill 642

Under the bill, a person who assaulted, battered, or assaulted and battered a health care professional, while the health care professional was performing his or her professional duties, would be guilty of a felony punishable by imprisonment for not less than 90 days or more than two years and/or a fine of not less than \$500 or more than \$5,000.

"Health care professional" would mean any of the following:

- An emergency medical technician.
- An ambulance operator or ambulance attendant.
- A nurse.
- A physical therapist or an occupational therapist.
- A physician or a physician's assistant.

Senate Bill 643

Under the bill, assaulting or battering a health care professional would be included in the sentencing guidelines as a Class G felony against a person, with a statutory maximum sentence of two years' imprisonment.

Proposed MCL 750.81f (S.B. 642)
MCL 777.16d (S.B. 643)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. An offender convicted of the Class G offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 7-23 months. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Any additional penal fine revenue resulting from convictions related to the proposed criminal offense would benefit public libraries.

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.