

# Legislative Analysis



## INCREASE FINES FOR CERTAIN ASSAULTS OF HEALTH PROFESSIONALS OR MEDICAL VOLUNTEERS

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<http://www.house.mi.gov/hfa>

**House Bill 4520 as introduced**  
**Sponsor: Rep. Mike Mueller**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 4521 as introduced**  
**Sponsor: Rep. Kelly Breen**

**Committee: Criminal Justice**  
**Complete to 6-12-23**

### SUMMARY:

House Bill 4520 would amend the Michigan Penal Code to create enhanced criminal fines for simple assault and aggravated assault, and House Bill 4521 would create an enhanced criminal fine for assault with a deadly weapon, if the victim is a **health professional** or **medical volunteer** who is performing their duties at the time of the crime. The enhanced fines would be double the standard fines for the offenses, while terms of imprisonment would not change. However, the enhanced fines would not apply if the defendant is a patient who is receiving treatment from the victim. The bill also would require the operator of a health facility to post signs there describing the enhanced fines under the bills.

**Health professional** would mean an individual who is employed by a hospital, health system, or health care provider, whether operated by a governmental unit or a private entity, whose duties within the scope of that employment involve providing direct patient care and require licensure, certification, or other regulation under the Public Health Code, or who is providing indirect patient care under the direction of a hospital, health system, or health care provider.

**Medical volunteer** would mean an individual who is volunteering at a hospital, in a health system, or with a health care provider, whether operated by a governmental unit or a private entity, and whose duties as a volunteer involve the provision of direct patient care, or who is providing indirect patient care under the direction of a hospital, health system, or health care provider.

#### Simple assault

Currently, if the law prescribes no other penalty, a person who assaults or assaults and batters an individual is guilty of a misdemeanor punishable by imprisonment for up to 93 days or a fine of up to **\$500**, or both.

House Bill 4520 would add that if the victim of a violation described above is a health professional or medical volunteer and the violation occurs while the victim is performing their duties as a health professional or medical volunteer, the person is guilty of a misdemeanor punishable by imprisonment for up to 93 days or a fine of up to **\$1,000**, or both. However, the enhanced fine would not apply if the defendant is a patient receiving treatment from the victim. The operator of a health facility would have to post a sign there in a prominent and visible

location that describes the enhanced fine under this provision, as well as indicating that the enhanced fine does not apply to a patient seeking treatment, although such a person could still be subject to prosecution under the simple assault provisions of the code.

#### Aggravated assault

Currently, except in specified circumstances, a person who assaults an individual without a weapon and inflicts serious or aggravated injury on that individual without intending to commit murder or inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for up to one year or a fine of up to **\$1,000**, or both.

House Bill 4520 would add that if the victim of a violation described above is a health professional or medical volunteer and the violation occurs while the victim is performing their duties as a health professional or medical volunteer, the person is guilty of a misdemeanor punishable by imprisonment for up to one year or a fine of up to **\$2,000**, or both. However, the enhanced fine would not apply if the defendant is a patient receiving treatment from the victim. The operator of a health facility would have to post a sign there in a prominent and visible location that describes the enhanced fine under this provision, as well as indicating that the enhanced fine does not apply to a patient seeking treatment, although such a person could still be subject to prosecution under the aggravated assault provisions of the code.

#### Assault with a deadly weapon

Currently, except in specified circumstances, a person who assaults an individual with a gun, knife, iron bar, club, brass knuckles, or other dangerous weapon without intending to commit murder or inflict great bodily harm less than murder is guilty of a felony punishable by imprisonment for up to four years or a fine of up to **\$2,000**, or both.

House Bill 4521 would add that if the victim of a violation described above is a health professional or medical volunteer and the violation occurs while the victim is performing their duties as a health professional or medical volunteer, the person is guilty of a felony punishable by imprisonment for up to four years or a fine of up to **\$4,000**, or both. However, the enhanced fine would not apply if the defendant is a patient receiving treatment from the victim. The operator of a health facility would have to post a sign there in a prominent and visible location that describes the enhanced fine under this provision, as well as indicating that the enhanced fine does not apply to a patient seeking treatment, although such a person could still be subject to prosecution under the assault with a deadly weapon provisions of the code.

Each bill would take effect 90 days after its enactment. The bills are tie-barred to each other, meaning that neither bill could become law unless both are enacted.

MCL 750.81 and 750.81a (HB 4520)

MCL 750.82 (HB 4521)

### **BACKGROUND:**

Taken together, House Bills 4520 and 4521 constitute a reintroduction of HB 5682 of the 2021-22 legislative session, which was passed by the House of Representatives.

## **FISCAL IMPACT:**

House Bills 4520 and 4521 would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bills is not known. New misdemeanor convictions under HB 4520 would result in increased costs related to county jails or local misdemeanor probation supervision, or both. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. New felony convictions under HB 4521 would result in increased costs related to state prisons and state probation supervision. In fiscal year 2022, the average cost of prison incarceration in a state facility was roughly \$47,900 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,000 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact of both bills on local court systems would depend on how provisions of the bills affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenues would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

In addition, local and county government units may incur costs for complying with the bills' signage requirements, in the event that a local or county government unit is responsible for costs to operate an emergency department or emergency room in a hospital. However, costs incurred for complying with the signage requirements would likely be minimal.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.