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House Bill 4520 (Substitute S-1)
House Bill 4521 (Substitute S-1)
Sponsor: Representative Mike Mueller (H.B. 4520)
Representative Kelly Breen (H.B. 4521)
House Committee: Criminal Justice
Senate Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 10-18-23

CONTENT

House Bill 4520 (S-1) would amend the Michigan Penal Code to prescribe enhanced penalties for an assault without a weapon if the assault were against a health professional or medical volunteer and the individual committing the assault was not a patient. It also would require a health facility or agency or a hospital or psychiatric hospital to post signs in a prominent and visible location describing the enhanced penalty.

House Bill 4521 (S-1) would amend the Michigan Penal Code to prescribe enhanced penalties for an assault with a dangerous weapon if the assault were against a health professional or medical volunteer and the individual committing the assault was not a patient. It also would require a health facility or agency or a hospital or psychiatric hospital to post signs in a prominent and visible location describing the enhanced penalty.

The bills are tie-barred, and each bill would take effect 90 days after its enactment.

House Bill 4520 (S-1)

Under Section 81 of the Code, if no other punishment is prescribed, a person who assaults or assaults and batters an individual is guilty of a misdemeanor punishable by up to 93 days' imprisonment or a maximum fine of \$500, or both. Under the bill, if the victim of the assault or assault and battery were a health professional or medical volunteer and the violation occurred while the victim was performing the victim's job duties, the person would be guilty of a misdemeanor punishable by up to 93 days' imprisonment or a maximum fine of \$1,000, or both. The enhanced fine would not apply if the defendant were a patient who was receiving treatment from the victim.

Under Section 81a of the Code, a person who assaults an individual without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or inflict great bodily harm less than murder is guilty of a misdemeanor punishable by up to one year's imprisonment or a maximum fine of \$1,000, or both. Under the bill, if the victim of a violation under this provision were a health professional or medical volunteer and the violation occurred while the victim was performing the victim's job duties, the person would be guilty of a misdemeanor punishable by up to one year's imprisonment or a maximum fine of \$2,000, or both. The enhanced fine would not apply if the defendant were a patient who was receiving treatment from the victim.

The bill would define "health professional" as an individual who is employed or granted privileges by or under contract with a hospital, psychiatric hospital, health facility or agency, health system, or health care provider, whether operated by a governmental unit or a private entity, and whose duties within the scope of that employment, privilege, or contract involve the provision of direct patient care and require licensure, registration, certification, or other regulation or authorization under the Public Health Code, or who is providing indirect patient care under direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

"Medical volunteer" would mean an individual who is volunteering at a hospital or a psychiatric hospital, health facility or agency, in a health system, or with a health care provider, whether operated by a governmental unit or 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 or psychiatric hospital, health facility or agency, health system, or health care provider.

Additionally, the operator of a health facility or agency or hospital or psychiatric hospital would have to post a sign in a prominent and visible location that provided that a person, other than a person receiving treatment, who assaulted a health professional or medical volunteer would be subject to the enhanced fines of the assaults described above. The signs would have to specify that a patient receiving treatment could still be subject to prosecution for assault.

The bill would define "health facility or agency" as a health facility or agency licensed under Article 17 (Facilities and Agencies) of the Public Health Code. The bill would define "hospital or psychiatric hospital" as a hospital or psychiatric hospital licensed under the Mental Health Code.

House Bill 4521 (S-1)

Under Section 82 of the Code, a person who assaults another person with a gun, revolver, pistol, knife, iron bar, club, brass knuckles, or other dangerous weapon without intending to commit murder or to inflict great bodily harm less than murder is guilty of a felony punishable of up to four years' imprisonment or a maximum fine of \$2,000, or both. Under the bill, if the victim of a violation of this provision were a health professional or medical volunteer and the violation occurred while the victim was performing the victim's duties, the person would be guilty of a felony punishable by up to four years' imprisonment or a maximum fine of \$4,000, or both. The enhanced fine would not apply if the defendant were a patient who was receiving treatment from the victim.

The operator of a health facility or agency or a hospital or psychiatric hospital would have to post a sign in a prominent and visible location that provided that a person, other than a person receiving treatment, who assaulted a health professional or medical volunteer with a dangerous weapon would be subject to the enhanced fine described above. The signs would have to specify that a patient receiving treatment could still be subject to prosecution for assault.

MCL 750.81 & 750.81a (H.B. 4520)
750.82 (H.B. 4521)

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

House Bills 4520 and 4521 are reintroductions of provisions of House Bill 5682 of the

2021-2022 Legislative Session. House Bill 5682 passed the House and was referred to the Senate Committee on Government Operations but received no further action.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bill would have an indeterminate negative fiscal impact on the State and local governments. New misdemeanor arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails; however, it is unknown how many people would be prosecuted under provisions of the bill. Local jail costs vary by jurisdiction and thus costs for local governments would vary. The bill also would increase the fine amount if the violation were against a health professional or medical volunteer. Any additional revenue from imposed fines would go to local and county law libraries.

Fiscal Analyst: Joe Carrasco, Jr.
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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.