

Legislative Analysis



INCREASE FINES FOR CERTAIN ASSAULTS OF HEALTH PROFESSIONALS OR MEDICAL VOLUNTEERS

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House Bill 5682 (H-2) as reported from committee

Sponsor: Rep. Mike Mueller

Committee: Government Operations

Complete to 3-15-22

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

SUMMARY:

House Bill 5682 would amend the Michigan Penal Code to create enhanced fines for simple assault, aggravated assault, and assault with a deadly weapon if the victim is a *health professional* or *medical volunteer* who is performing his or her 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 bill.

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.

The bill 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 his or her 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.

The bill 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 his or her 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.

The bill 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 his or her 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.

The bill would take effect 90 days after its enactment.

MCL 750.81, 750.81a, and 750.82

FISCAL IMPACT:

House Bill 5682 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 bill is

not known. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

Local and county government units may incur modest costs for complying with the bill's 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. Costs incurred for complying with the signage requirements would likely be minimal.

POSITIONS:

A representative of Mercy Health Saint Mary's testified in support of the bill. (1-26-22)

The following entities indicated support for the bill:

- Michigan Health and Hospital Association (1-26-22)
- Michigan State Medical Society (1-26-22)
- Michigan College of Emergency Physicians (3-3-22)
- Henry Ford Health System (1-26-22)
- McLaren Health Care (1-26-22)
- Sparrow Health System (3-3-22)
- Ascension Michigan (1-26-22)

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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.