

**PROHIBIT ASSAULTS WITH BODILY
FLUIDS**

House Bill 4028 and 4029
Sponsor: Rep. Clark Bisbee
Committee: Criminal Justice

Complete to 3-10-03

A SUMMARY OF HOUSE BILLS 4028 and 4029 AS INTRODUCED 1-28-03

House Bill 4028 would amend the Michigan Penal Code (MCL 750.81e) to prohibit a prisoner from assaulting an employee or contractual service provider of the Department of Corrections (DOC), officer of the court, or peace officer with bodily fluid or feces. The bill would apply to any individual being held in a correctional facility; a city, village, township, or county jail; or a juvenile facility, including, but not limited to, an individual awaiting trial or a hearing. A violation would be a felony punishable by imprisonment for not more than four years (to be served consecutively to any other term of imprisonment currently being served or about to be served), a fine of not more than \$2,500, or both. Further, an individual could still be charged with, convicted of, or sentenced for any other violation that arose out of the same transaction of violating the bill's provisions.

"Corrections officer" would be defined under the bill as a corrections officer of the DOC, an individual responsible for maintaining custody of prisoners in a local jail, or an individual responsible for maintaining the custody of juveniles in a juvenile facility. An "officer of the court" would include the following individuals when engaged in the performance of their duties: a judge or district court magistrate; a probation officer; a juvenile caseworker; an attorney; and a court security officer, court reporter, or other court employee designated as an officer of the court. The bill would define "peace officer" as a county sheriff or deputy county sheriff; a police officer of the Department of State Police (including motor carrier enforcement officers); a police officer of a city, village, or township; a police officer of a community college, college, or university; and a conservation officer of the Department of Natural Resources or Department of Environmental Quality.

House Bill 4029 would amend the Code of Criminal Procedure (MCL 777.16d) to specify that a violation of House Bill 4028 would be a Class F felony with a statutory maximum sentence of four years.

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