

HOUSE BILL No. 4119

January 31, 2017, Introduced by Reps. Iden, Runestad, Barrett, Glenn, Lucido, Kesto and Kosowski and referred to the Committee on Law and Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 411x.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 411X. (1) A DETAINEE OR PRISONER IN A HOLDING CELL,
2 HOLDING CENTER, LOCKUP, JAIL, OR STATE CORRECTIONAL FACILITY WHO
3 THROWS OR ATTEMPTS TO THROW ANY BODILY MATERIAL ON ANY INDIVIDUAL
4 PERFORMING HIS OR HER DUTIES AS A PEACE OFFICER, CORRECTIONS
5 OFFICER, PAROLE OFFICER, OR PROBATION OFFICER IN THAT HOLDING CELL,
6 HOLDING CENTER, LOCKUP, JAIL, OR STATE CORRECTIONAL FACILITY, OR
7 WHO OTHERWISE CAUSES OR ATTEMPTS TO CAUSE ANY INDIVIDUAL PERFORMING
8 HIS OR HER DUTIES AS A PEACE OFFICER, CORRECTIONS OFFICER, PAROLE
9 OFFICER, OR PROBATION OFFICER IN THAT HOLDING CELL, HOLDING CENTER,
10 LOCKUP, JAIL, OR STATE CORRECTIONAL FACILITY TO COME INTO CONTACT

1 WITH ANY BODILY MATERIAL, IS GUILTY OF A FELONY PUNISHABLE BY
2 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
3 \$2,000.00, OR BOTH.

4 (2) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
5 CHARGED WITH, CONVICTED OF, AND SENTENCED FOR ANY OTHER VIOLATION
6 OF LAW IN LIEU OF BEING CHARGED WITH, CONVICTED OF, AND SENTENCED
7 FOR A VIOLATION OF THIS SECTION.

8 (3) AS USED IN THIS SECTION:

9 (A) "BODILY MATERIAL" MEANS BLOOD, URINE, SALIVA, OR FECES.

10 (B) "HOLDING CELL", "HOLDING CENTER", "LOCKUP", "JAIL", AND
11 "STATE CORRECTIONAL FACILITY" MEAN THOSE TERMS AS DEFINED IN
12 SECTION 62 OF THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL
13 791.262.