

# HOUSE BILL No. 6041

May 17, 2018, Introduced by Reps. Yanez, Faris, Green, Gay-Dagnogo, Hertel, Sowerby, Hornberger, Marino, Elder and Lucido and referred to the Committee on Law and Justice.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 81c (MCL 750.81c), as added by 2001 PA 22.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 81c. (1) A person who communicates to any person a threat  
2 that he or she will physically harm an individual who **THE PERSON**  
3 **KNOWS OR HAS REASON TO KNOW** is **PERFORMING HIS OR HER DUTIES AS** an  
4 employee of the ~~family independence agency and~~ **DEPARTMENT OF HEALTH**  
5 **AND HUMAN SERVICES OR AS A HOME HEALTH CARE WORKER, OR** who does so  
6 because of the individual's status as ~~an~~ **A DEPARTMENT OF HEALTH AND**  
7 **HUMAN SERVICES** employee ~~of that agency~~ **OR AS A HOME HEALTH CARE**  
8 **WORKER,** is guilty of a misdemeanor punishable by imprisonment for  
9 not more than 1 year or a fine of not more than \$1,000.00, or both.

1           (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON WHO  
 2 ASSAULTS OR ASSAULTS AND BATTERS AN INDIVIDUAL WHO THE PERSON KNOWS  
 3 OR HAS REASON TO KNOW IS PERFORMING HIS OR HER DUTIES AS AN  
 4 EMPLOYEE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES OR AS A  
 5 HOME HEALTH CARE WORKER, OR WHO DOES SO BECAUSE OF THE INDIVIDUAL'S  
 6 STATUS AS A DEPARTMENT OF HEALTH AND HUMAN SERVICES EMPLOYEE OR AS  
 7 A HOME HEALTH CARE WORKER, IS GUILTY OF A FELONY PUNISHABLE BY  
 8 IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN  
 9 \$2,000.00, OR BOTH.

10           (3) ~~(2)~~ Except as OTHERWISE provided in subsection ~~(3)~~, THIS  
 11 SECTION, a person who assaults or assaults and batters an  
 12 individual ~~while the individual~~ WHO THE PERSON KNOWS OR HAS REASON  
 13 TO KNOW is performing his or her duties as an employee of the  
 14 ~~family independence agency~~ DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 15 OR AS A HOME HEALTH CARE WORKER, or WHO DOES SO because of the  
 16 individual's status as an A DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 17 employee of that agency and causes the individual OR AS A HOME  
 18 HEALTH CARE WORKER, CAUSING any ~~physical~~ BODILY injury REQUIRING  
 19 MEDICAL ATTENTION OR MEDICAL CARE is guilty of a felony punishable  
 20 by imprisonment for not more than ~~2~~ 4 years or a fine of not more  
 21 than ~~\$1,000.00,~~ \$5,000.00, or both.

22           (4) ~~(3)~~ A EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A  
 23 person who assaults or assaults and batters an individual ~~while the~~  
 24 individual WHO THE PERSON KNOWS OR HAS REASON TO KNOW is performing  
 25 his or her duties as an employee of the ~~family independence agency~~  
 26 DEPARTMENT OF HEALTH AND HUMAN SERVICES OR AS A HOME HEALTH CARE  
 27 WORKER, or WHO DOES SO because of the individual's status as an A

1 DEPARTMENT OF HEALTH AND HUMAN SERVICES employee of that agency and  
2 ~~causes~~ OR AS A HOME HEALTH CARE WORKER, CAUSING the individual  
3 serious impairment of body function is guilty of a felony  
4 punishable by imprisonment for not more than ~~5~~ 15 years or a fine  
5 of not ~~less than \$1,000.00 or more than \$5,000.00,~~ \$10,000.00, or  
6 both.

7 (5) A PERSON WHO ASSAULTS OR ASSAULTS AND BATTERS AN  
8 INDIVIDUAL WHO THE PERSON KNOWS OR HAS REASON TO KNOW IS PERFORMING  
9 HIS OR HER DUTIES AS AN EMPLOYEE OF THE DEPARTMENT OF HEALTH AND  
10 HUMAN SERVICES OR AS A HOME HEALTH CARE WORKER, OR WHO DOES SO  
11 BECAUSE OF THE INDIVIDUAL'S STATUS AS A DEPARTMENT OF HEALTH AND  
12 HUMAN SERVICES EMPLOYEE OR AS A HOME HEALTH CARE WORKER, CAUSING  
13 THE DEATH OF THAT INDIVIDUAL IS GUILTY OF A FELONY PUNISHABLE BY  
14 IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN  
15 \$20,000.00, OR BOTH.

16 (6) ~~(4)~~ A conviction or sentence imposed for a violation of  
17 this section does not preclude a **CHARGE**, conviction, or sentence  
18 for a violation of ~~any other applicable law~~ **THAT IS COMMITTED BY**  
19 **THAT PERSON WHILE VIOLATING THIS SECTION.**

20 (7) A TERM OF IMPRISONMENT IMPOSED FOR A VIOLATION OF THIS  
21 SECTION MAY RUN CONSECUTIVELY TO ANY TERM OF IMPRISONMENT IMPOSED  
22 FOR ANOTHER VIOLATION ARISING FROM THE SAME TRANSACTION.

23 (8) ~~(5)~~ As used in this section: ~~"serious~~

24 (A) "HOME HEALTH CARE WORKER" MEANS AN INDIVIDUAL WHO, AS A  
25 CONDITION OF HIS OR HER EMPLOYMENT, PERFORMS DUTIES RELATED TO  
26 PHYSICAL HEALTH OR PSYCHOLOGICAL HEALTH, OR BOTH, OF A CLIENT,  
27 PATIENT, OR CONSUMER WHILE INSIDE THE RESIDENCE OF THE CLIENT,

1 **PATIENT, OR CONSUMER.**

2 (B) "**SERIOUS** impairment of body function" means that phrase as  
3 defined in section ~~625(5)~~**58C** of the Michigan vehicle code, 1949 PA  
4 300, MCL ~~257.625~~**257.58C**.

5 Enacting section 1. This amendatory act takes effect 90 days  
6 after the date it is enacted into law.