

INCREASE FINES FOR CERTAIN ASSAULTS OF EMERGENCY ROOM PERSONNEL

Phone: (517) 373-8080
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House Bill 5682 (proposed substitute H-1)
Sponsor: Rep. Mike Mueller
Committee: Government Operations
Complete to 3-2-22

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 works in an emergency room and 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 receiving treatment from the victim. The bill also would require the operator of a hospital emergency room or emergency department to post signs there describing the enhanced fines under the bill.

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 member of ***emergency room personnel*** and the violation occurs while the victim is performing his or her duties as a member of emergency room personnel, 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 hospital emergency room or emergency department would have to post a sign there in a prominent and visible location that describes the enhanced fine under this provision.

Emergency room personnel would include physicians, clerks, intake clerks, and any other individuals employed in the emergency department or emergency room of a hospital licensed under Article 17 of the Public Health 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 member of emergency room personnel and the violation occurs while the victim is performing his or her duties as a member of emergency room personnel, 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 hospital emergency room or emergency department would have to post a sign there in a prominent and visible location that describes the enhanced fine under this provision.

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 member of emergency room personnel and the violation occurs while the victim is performing his or her duties as a member of emergency room personnel, 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 hospital emergency room or emergency department would have to post a sign there in a prominent and visible location that describes the enhanced fine under this provision.

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.

Legislative Analyst: Rick Yuille
Fiscal Analyst: Robin Risko

■ 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.