

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.81 Assault or assault and battery; penalties; previous convictions; exception; assault of health professional or medical volunteer; enhanced penalties; definitions.

Sec. 81.

(1) Except as otherwise provided in this section, a person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. If the victim of a violation under this subsection is a health professional or medical volunteer and the violation occurs while the victim is performing the victim's duties as a health professional or medical volunteer, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both. The enhanced fine under this subsection does not apply if the defendant is a patient who is receiving treatment from the victim.

(2) Except as provided in subsection (3), (4), or (5), an individual who assaults or assaults and batters the individual's spouse or former spouse, an individual with whom the individual has or has had a dating relationship, an individual with whom the individual has had a child in common, or a resident or former resident of the individual's household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) An individual who assaults or assaults and batters an individual who is pregnant and who knows the individual is pregnant is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(4) An individual who commits an assault or an assault and battery in violation of subsection (2) or (3), and who has previously been convicted of assaulting or assaulting and battering an individual described in either subsection (2) or subsection (3) under any of the following, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both:

(a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.

(b) Section 81a, 82, 83, 84, or 86.

(c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.

(5) An individual who commits an assault or an assault and battery in violation of subsection (2) or (3), and who has 2 or more previous convictions for assaulting or assaulting and battering an individual described in either subsection (2) or subsection (3) under any of the following, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both:

(a) This section or an ordinance of a political subdivision of this state substantially corresponding to this section.

(b) Section 81a, 82, 83, 84, or 86.

(c) A law of another state or an ordinance of a political subdivision of another state substantially corresponding to this section or section 81a, 82, 83, 84, or 86.

(6) This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.

(7) The operator of a health facility or agency or a hospital or psychiatric hospital shall post a sign in the health facility or agency or hospital or psychiatric hospital in a prominent and visible location that provides that a person, other than a patient receiving treatment, who assaults a health professional or medical volunteer in violation of this section is subject to the enhanced fine provided for in this section and that a patient receiving treatment who assaults a health professional or medical volunteer may still be subject to prosecution under this section.

(8) As used in this section:

(a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(b) "Health facility or agency" means a health facility or agency licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(c) "Health professional" means an individual who is employed or granted privileges by or under contract with a hospital or psychiatric hospital, health facility or agency, health system, or health care provider, whether operated by a governmental unit or a private entity, and whose duties within the scope of that employment, privilege, or contract involve the provision of direct patient care and require licensure, registration, certification, or other regulation or authorization under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing indirect patient care under the direction of a hospital or psychiatric hospital, health facility or agency, health system, or health care provider.

(d) "Hospital or psychiatric hospital" means a hospital or psychiatric hospital licensed under the mental health

code, 1974 PA 258, MCL 330.1001 to 330.2106.

(e) "Medical volunteer" means an individual who is volunteering at a hospital or psychiatric hospital, health facility or agency, 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 or psychiatric hospital, health facility or agency, health system, or health care provider.

History: 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 75081 ;-- Am. 1994, Act 64, Eff. July 1, 1994 ;-- Am. 1999, Act 270, Eff. July 1, 2000 ;-- Am. 2000, Act 462, Imd. Eff. Jan. 10, 2001 ;-- Am. 2001, Act 189, Eff. Apr. 1, 2002 ;-- Am. 2001, Act 190, Eff. Apr. 1, 2002 ;-- Am. 2012, Act 366, Eff. Apr. 1, 2013 ;-- Am. 2016, Act 87, Eff. July 25, 2016 ;-- Am. 2023, Act 271, Eff. Mar. 5, 2024

Former Law: See section 29 of Ch. 153 of R.S. 1846, being CL 1857, § 5739; CL 1871, § 7538; How., § 9103; CL 1897, § 11498; CL 1915, § 15220; CL 1929, § 16736; Act 167 of 1879; and Act 54 of 1929.