

# HOUSE BILL No. 5660

March 11, 1998, Introduced by Reps. Dalman, Nye, Scranton, Baird, Richner, Dobb, Cropsey, Curtis, Rocca, McBryde, Jansen, Frank, Law, Horton, Godchaux, Wetters, Murphy, Scott, Johnson, Middleton, Galloway, Geiger, Bodem, Bobier, Llewellyn, Oxender, Gilmer, Walberg, Birkholz, Crissman, Cassis, Jellema and Voorhees and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 411 (MCL 750.411).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 411. (1) ~~Reporting personal injuries by hospitals,~~  
2 ~~pharmacies and physicians--It shall be the duty of every~~ A  
3 person, firm, or corporation conducting ~~any~~ A hospital or phar-  
4 macy in this state, ~~or~~ the person managing or in charge of  
5 ~~such~~ A hospital or pharmacy, or THE PERSON in charge of ~~any~~ A  
6 ward or part of ~~such~~ A hospital ~~—~~ to which ~~any person~~ 1 or  
7 MORE persons COME OR ARE BROUGHT suffering from ~~any~~ A wound or  
8 other injury inflicted by means of a knife, gun, pistol, or other  
9 deadly weapon, or by other means of violence, ~~shall come or be~~  
10 ~~brought,~~ HAS A DUTY to report ~~the same~~ THAT FACT immediately,  
11 both by telephone and in writing, to the chief of police or other

1 head of the police force of the village or city in which ~~such~~  
2 THE hospital or pharmacy is located, or to the COUNTY sheriff ~~of~~  
3 ~~the county, if such~~ IF THE hospital or pharmacy is located out-  
4 side the incorporated limits of a village or city. ~~Such~~ THE  
5 report shall state the name and residence of ~~such~~ THE person,  
6 if known, his OR HER whereabouts, and the character and extent of  
7 ~~such~~ THE injuries. ~~It shall also be the duty of every~~

8 (2) A physician ~~,~~ or surgeon ~~,~~ who has under his OR HER  
9 charge or care ~~any~~ A person suffering from ~~any~~ A wound or  
10 injury ~~,~~ inflicted in the manner ~~above mentioned, to make a~~  
11 ~~like report to the appropriate officers hereinabove named~~  
12 DESCRIBED IN SUBSECTION (1) HAS A DUTY TO REPORT THAT FACT IN THE  
13 SAME MANNER AND TO THE SAME OFFICER AS REQUIRED BY SUBSECTION  
14 (1).

15 (3) ~~Any~~ A person, firm, or corporation ~~violating any pro-~~  
16 ~~vision of~~ THAT VIOLATES this section ~~shall be~~ IS guilty of a  
17 misdemeanor.

18 (4) TO THE EXTENT NOT PROTECTED BY THE IMMUNITY CONFERRED BY  
19 1964 PA 170, MCL 691.1401 TO 691.1415, A PERSON WHO MAKES A  
20 REPORT IN GOOD FAITH UNDER SUBSECTION (1) OR (2) OR WHO COOPER-  
21 ATES IN GOOD FAITH IN AN INVESTIGATION, CIVIL PROCEEDING, OR  
22 CRIMINAL PROCEEDING CONDUCTED AS A RESULT OF SUCH A REPORT IS  
23 IMMUNE FROM CIVIL OR CRIMINAL LIABILITY THAT WOULD OTHERWISE BE  
24 INCURRED BY MAKING THE REPORT OR COOPERATING IN THE INVESTIGATION  
25 OR CIVIL OR CRIMINAL PROCEEDING. A PERSON WHO MAKES A REPORT  
26 UNDER SUBSECTION (1) OR (2) OR WHO COOPERATES IN AN  
27 INVESTIGATION, CIVIL PROCEEDING, OR CRIMINAL PROCEEDING CONDUCTED

1 AS A RESULT OF SUCH A REPORT IS PRESUMED TO HAVE ACTED IN GOOD  
2 FAITH. THE PRESUMPTION CREATED BY THIS SUBSECTION MAY BE  
3 REBUTTED ONLY BY CLEAR AND CONVINCING EVIDENCE.

4 (5) THE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY GRANTED  
5 UNDER SUBSECTION (4) EXTENDS ONLY TO THE ACTIONS DESCRIBED IN  
6 SUBSECTION (4) AND DOES NOT EXTEND TO ANOTHER ACT OR OMISSION  
7 THAT IS NEGLIGENT OR THAT AMOUNTS TO PROFESSIONAL MALPRACTICE, OR  
8 BOTH, AND THAT CAUSES PERSONAL INJURY OR DEATH.

9 (6) THE PHYSICIAN-PATIENT PRIVILEGE CREATED UNDER SECTION  
10 2157 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL  
11 600.2157, A HEALTH PROFESSIONAL-PATIENT PRIVILEGE CREATED UNDER  
12 ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101  
13 TO 333.18838, AND ANY OTHER HEALTH PROFESSIONAL-PATIENT PRIVILEGE  
14 CREATED OR RECOGNIZED BY LAW DO NOT APPLY TO A REPORT MADE UNDER  
15 SUBSECTION (1), ARE NOT VALID REASONS FOR A FAILURE TO COMPLY  
16 WITH SUBSECTION (1), AND ARE NOT A DEFENSE TO A MISDEMEANOR  
17 CHARGE FILED UNDER THIS SECTION.

18 Enacting section 1. This amendatory act takes effect  
19 September 1, 1998.