

HOUSE BILL No. 4107

January 28, 1999, Introduced by Reps. Raczkowski, Richardville, Middaugh, Bisbee, Bradstreet, Mortimer, Vear and Garcia and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1975 PA 238, entitled
"Child protection law,"
by amending section 13 (MCL 722.633), as amended by 1996 PA 309.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. (1) A person who is required by this act to report
2 an instance of suspected child abuse or neglect and who fails to
3 do so is civilly liable for the damages proximately caused by the
4 failure.

5 (2) A person who is required by this act to report an
6 instance of suspected child abuse or neglect and who knowingly
7 fails to do so is guilty of a misdemeanor punishable by imprison-
8 ment for not more than 93 days or a fine of not more than
9 \$100.00, or both.

10 (3) Except as provided in section 7, a person who
11 disseminates, or who permits or encourages the dissemination of,

1 information contained in the central registry and in reports and
2 records made pursuant to this act is guilty of a misdemeanor pun-
3 ishable by imprisonment for not more than 93 days or a fine of
4 not more than \$100.00, or both, and is civilly liable for the
5 damages proximately caused by the dissemination.

6 (4) A person who willfully maintains a report or record
7 required to be expunged under section 7 is guilty of a misde-
8 meanor punishable by imprisonment for not more than 93 days or a
9 fine of not more than \$100.00, or both.

10 (5) A person who intentionally makes a false report of child
11 abuse or neglect under this act knowing that the report is false
12 is guilty of a ~~crime as follows:~~ FELONY PUNISHABLE BY IMPRISON-
13 MENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
14 \$10,000.00, OR BOTH.

15 ~~(a) If the child abuse or neglect reported would not con-~~
16 ~~stitute a crime or would constitute a misdemeanor if the report~~
17 ~~were true, the person is guilty of a misdemeanor punishable by~~
18 ~~imprisonment for not more than 93 days or a fine of not more than~~
19 ~~\$100.00, or both.~~

20 ~~(b) If the child abuse or neglect reported would constitute~~
21 ~~a felony if the report were true, the person is guilty of a~~
22 ~~felony punishable by the lesser of the following:~~

23 ~~(i) The penalty for the child abuse or neglect falsely~~
24 ~~reported.~~

25 ~~(ii) Imprisonment for not more than 4 years or a fine of not~~
26 ~~more than \$2,000.00, or both.~~