

# HOUSE BILL No. 5338

October 24, 2001, Introduced by Reps. Patterson, DeVuyst, Stamas, Bradstreet, DeRossett, Newell, Julian, Richardville, Howell and Ruth Johnson and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 411a (MCL 750.411a), as amended by 2000 PA  
370.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 411a. (1) Except as provided in subsection (2), a  
2 person who intentionally makes a false report of the commission  
3 of a crime to a member of the Michigan state police, a sheriff or  
4 deputy sheriff, a police officer of a city or village, or any  
5 other peace officer of this state knowing the report is false is  
6 guilty of a crime as follows:

7       (a) If the report is a false report of a misdemeanor, the  
8 person is guilty of a misdemeanor punishable by imprisonment for  
9 not more than 93 days or a fine of not more than \$100.00, or  
10 both.

1 (b) If the report is a false report of a felony, the person  
2 is guilty of a felony punishable by imprisonment for not more  
3 than 4 years or a fine of not more than \$2,000.00, or both.

4 (2) A person shall not do either of the following:

5 (a) Knowingly make a false report of a violation or  
6 attempted violation of chapter XXXIII or section 327 or 328 and  
7 communicate the false report to any other person.

8 (b) Threaten to violate chapter XXXIII or section 327 or 328  
9 and communicate the threat to any other person.

10 (3) A person who violates subsection (2) is guilty of a  
11 felony punishable as follows:

12 (a) For a first conviction under subsection (2), by impris-  
13 onment for not more than ~~4~~ 16 years or a fine of not more than  
14 ~~\$2,000.00~~ \$8,000.00, or both.

15 (b) For a second or subsequent conviction under subsection  
16 (2), imprisonment for not more than ~~10~~ 40 years or a fine of  
17 not more than ~~\$5,000.00~~ \$20,000.00, or both.

18 (4) The court may order a person convicted under subsection  
19 (2) to pay to the state or a local unit of government the costs  
20 of responding to the false report including, but not limited to,  
21 use of police or fire emergency response vehicles and teams.

22 (5) If the person ordered to pay costs under subsection (4)  
23 is a juvenile under the jurisdiction of the family division of  
24 the circuit court under chapter 10 of the revised judicature act  
25 of 1961, 1961 PA 236, MCL 600.1001 to 600.1043, all of the fol-  
26 lowing apply:

1       (a) If the court determines that the juvenile is or will be  
2 unable to pay all of the costs ordered, after notice to the  
3 juvenile's parent or parents and an opportunity for the parent or  
4 parents to be heard, the court may order the parent or parents  
5 having supervisory responsibility for the juvenile, at the time  
6 of the acts upon which the order is based, to pay any portion of  
7 the costs ordered that is outstanding. An order under this sub-  
8 section does not relieve the juvenile of his or her obligation to  
9 pay the costs as ordered, but the amount owed by the juvenile  
10 shall be offset by any amount paid by his or her parent. As used  
11 in this subsection, "parent" does not include a foster parent.

12       (b) If the court orders a parent to pay costs under subdivi-  
13 sion (a), the court shall take into account the financial  
14 resources of the parent and the burden that the payment of the  
15 costs will impose, with due regard to any other moral or legal  
16 financial obligations that the parent may have. If a parent is  
17 required to pay the costs under subdivision (a), the court shall  
18 provide for payment to be made in specified installments and  
19 within a specified period of time.

20       (c) A parent who has been ordered to pay the costs under  
21 subdivision (a) may petition the court for a modification of the  
22 amount of the costs owed by the parent or for a cancellation of  
23 any unpaid portion of the parent's obligation. The court shall  
24 cancel all or part of the parent's obligation due if the court  
25 determines that payment of the amount due will impose a manifest  
26 hardship on the parent.

1       (6) As used in this section:

2       (a) "Local unit of government" means:

3       (i) A city, village, township, or county.

4       (ii) A local or intermediate school district.

5       (iii) A public school academy.

6       (iv) A community college.

7       (b) "State" includes a state institution of higher  
8 education.