

Legislative Analysis



MISDEMEANOR CHILD ABUSE: INCREASE TERM OF PROBATION

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Senate Bill 1110

Sponsor: Sen. Valde Garcia
House Committee: Judiciary
Senate Committee: Judiciary

Complete to 5-30-06

A SUMMARY OF SENATE BILL 1110 AS PASSED BY THE SENATE 3-23-06

In general, a court may place a person on probation for up to two years for a misdemeanor conviction and up to five years for a felony conviction, though the law does allow a few exceptions. Currently, a term of probation for third- or fourth-degree child abuse, a misdemeanor offense, would fall under the two-year cap.

Senate Bill 1110 would amend the Code of Criminal Procedure to increase – from two years to five years – the maximum time that an offender convicted of third- or fourth-degree child abuse could be placed on probation.

(Under the Michigan Penal Code, a person is guilty of third-degree child abuse if he or she knowingly or intentionally caused physical harm to a child; it is a misdemeanor offense punishable by imprisonment for not more than two years. Fourth-degree child abuse involves a person's omission or reckless act that causes physical harm to a child; it is a misdemeanor punishable by imprisonment for up to one year.)

MCL 771.2a

FISCAL IMPACT:

To the extent that misdemeanor offenders were placed on probation for longer periods of time, local units of government could incur increased costs of misdemeanor probation supervision; such costs vary by jurisdiction.

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