

# HOUSE BILL No. 4692

May 1, 2007, Introduced by Reps. Farrah, Schuitmaker, Angerer, Elsenheimer, Spade,  
Hammon, Hildenbrand and Moss and referred to the Committee on Regulatory Reform.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 411 (MCL 750.411), as amended by 2000 PA 339.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 411. (1) A person, firm, or corporation conducting a  
2 hospital or pharmacy in this state, the person managing or in  
3 charge of a hospital or pharmacy, or the person in charge of a ward  
4 or part of a hospital to which 1 or more persons come or are  
5 brought suffering from a wound or other injury inflicted by means  
6 of a knife, gun, pistol, or other deadly weapon, or by other means  
7 of violence, **OR BY FIREWORKS OR PYROTECHNICS**, has a duty to report  
8 that fact immediately, both by telephone and in writing, to the  
9 chief of police or other head of the police force of the village or  
10 city in which the hospital or pharmacy is located, or to the county

1 sheriff if the hospital or pharmacy is located outside the  
2 incorporated limits of a village or city. The report shall state  
3 the name and residence of the person, if known, his or her  
4 whereabouts, and the cause, character, and extent of the injuries  
5 and may state the identification of the perpetrator, if known.

6 (2) A physician or surgeon who has under his or her charge or  
7 care a person suffering from a wound or injury inflicted in the  
8 manner described in subsection (1) has a duty to report that fact  
9 in the same manner and to the same officer as required by  
10 subsection (1).

11 (3) A person, firm, or corporation that violates this section  
12 is guilty of a misdemeanor.

13 (4) To the extent not protected by the immunity conferred by  
14 1964 PA 170, MCL 691.1401 to ~~691.1415~~ **691.1419**, a person who makes  
15 a report in good faith under subsection (1) or (2) or who  
16 cooperates in good faith in an investigation, civil proceeding, or  
17 criminal proceeding conducted as a result of such a report is  
18 immune from civil or criminal liability that would otherwise be  
19 incurred by making the report or cooperating in the investigation  
20 or civil or criminal proceeding. A person who makes a report under  
21 subsection (1) or (2) or who cooperates in an investigation, civil  
22 proceeding, or criminal proceeding conducted as a result of such a  
23 report is presumed to have acted in good faith. The presumption  
24 created by this subsection may be rebutted only by clear and  
25 convincing evidence.

26 (5) The immunity from civil and criminal liability granted  
27 under subsection (4) extends only to the actions described in

1 subsection (4) and does not extend to another act or omission that  
2 is negligent or that amounts to professional malpractice, or both,  
3 and that causes personal injury or death.

4 (6) The physician-patient privilege created under section 2157  
5 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2157, a  
6 health professional-patient privilege created under article 15 of  
7 the public health code, 1978 PA 368, MCL 333.16101 to 333.18838,  
8 and any other health professional-patient privilege created or  
9 recognized by law do not apply to a report made under subsection  
10 (1) or (2), are not valid reasons for a failure to comply with  
11 subsection (1) or (2), and are not a defense to a misdemeanor  
12 charge filed under this section.

13 Enacting section 1. This amendatory act does not take effect  
14 unless Senate Bill No.\_\_\_\_ or House Bill No. 4691(request no.  
15 01330'07) of the 94th Legislature is enacted into law.