

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.135 Children; exposing with intent to injure or abandon; surrender of child to emergency service provider; applicability of subsection (1); definitions.

Sec. 135.

(1) Except as provided in subsection (3), a father or mother of a child under the age of 6 years, or another individual, who exposes the child in any street, field, house, or other place, with intent to injure or wholly to abandon the child, is guilty of a felony, punishable by imprisonment for not more than 10 years.

(2) Except for a situation involving actual or suspected child abuse or child neglect, it is an affirmative defense to a prosecution under subsection (1) that the child was not more than 72 hours old and was surrendered to an emergency service provider under chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20. A criminal investigation shall not be initiated solely on the basis of a newborn being surrendered to an emergency service provider under chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20.

(3) Subsection (1) does not apply to a mother of a newborn who is surrendered under the born alive infant protection act. Subsection (1) applies to an attending physician who delivers a live newborn as a result of an attempted abortion and fails to comply with the requirements of the born alive infant protection act.

(4) As used in this section:

(a) "Emergency service provider" means a uniformed employee or contractor of a fire department, hospital, or police station when that individual is inside the premises and on duty.

(b) "Fire department" means an organized fire department as that term is defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

(c) "Hospital" means a hospital that is licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(d) "Police station" means a police station as that term is defined in section 43 of the Michigan vehicle code, 1949 PA 300, MCL 257.43.

History: 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.135 ;-- Am. 2000, Act 233, Eff. Jan. 1, 2001 ;-- Am. 2002, Act 689, Eff. Mar. 31, 2003

Compiler's Notes: Enacting section 1 of Act 233 of 2000 provides: "Enacting section 1. Section 135 of the Michigan penal code, 1931 PA 328, MCL 750.135, as amended by this amendatory act, does not apply to a violation of that section committed before the effective date of this amendatory act."

Former Law: See section 31 of Ch. 153 of R.S. 1846, being CL 1857, § 5741; CL 1871, § 7540; How., § 9105; CL 1897, § 11500; CL 1915, § 15222; CL 1929, § 16738; and Act 200 of 1875.