#### SUBSTITUTE FOR

## SENATE BILL NO. 874

A bill to amend 1975 PA 238, entitled "Child protection law,"

by amending section 13 (MCL 722.633), as amended by 2002 PA 14.

# THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (2) A person who BY HIS OR HER PAID EMPLOYMENT is required by 6 this act to report an instance of suspected child abuse or CHILD 7 neglect, WHO HAS DIRECT KNOWLEDGE OF THE NATURE OF THE SUSPECTED 8 CHILD ABUSE OR CHILD NEGLECT, and who WILLFULLY AND knowingly fails 9 to do so REPORT is guilty of a misdemeanor FELONY punishable by 10 imprisonment for not more than 93 days 2 YEARS or a fine of not

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1 more LESS than \$500.00, \$1,000.00, OR NOT MORE THAN \$5,000.00, or 2 both.

3 (3) A PERSON WHO IS A VOLUNTEER REQUIRED BY THIS ACT TO REPORT
4 AN INSTANCE OF SUSPECTED CHILD ABUSE OR CHILD NEGLECT, WHO HAS
5 DIRECT KNOWLEDGE OF THE NATURE OF THE SUSPECTED CHILD ABUSE OR
6 CHILD NEGLECT, AND WHO WILLFULLY AND KNOWINGLY FAILS TO REPORT IS
7 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
8 THAN 1 YEAR, OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

9 (4) IF A PERSON DESCRIBED IN SUBSECTION (2) COMMITS A SECOND 10 OR SUBSEQUENT OFFENSE AS DESCRIBED IN SUBSECTION (2), THE PERSON IS 11 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 7 12 YEARS OR A FINE OF NOT MORE THAN \$15,000.00, OR BOTH.

(5) (3) Except as provided in section 7, a person who disseminates, or who permits or encourages the dissemination of, information contained in the central registry and in reports and records made as provided in this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both, and is civilly liable for the damages proximately caused by the dissemination.

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

(7) (5) A person who intentionally makes a false report of
child abuse or CHILD neglect under this act knowing that the report
is false is guilty of a crime as follows:

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(a) If the child abuse or CHILD neglect reported would not

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constitute a crime or would constitute a misdemeanor if the report
 were true, the person is guilty of a misdemeanor punishable by
 imprisonment for not more than 93 days or a fine of not more than
 \$100.00, or both.

5 (b) If the child abuse or CHILD neglect reported would
6 constitute a felony if the report were true, the person is guilty
7 of a felony punishable by the lesser of the following:

8 (i) The penalty for the child abuse or CHILD neglect falsely9 reported.

10 (*ii*) Imprisonment for not more than 4 years or a fine of not11 more than \$2,000.00, or both.

12 Enacting section 1. This amendatory act takes effect 90 days13 after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effectunless Senate Bill No. 880 of the 99th Legislature is enacted intolaw.