

SENATE BILL No. 874

February 27, 2018, Introduced by Senators JONES, O'BRIEN, HORN, KNOLLENBERG, KNEZEK, HERTEL, BIEDA, ROCCA, EMMONS, CONYERS, ANANICH, HOPGOOD, COLBECK, BRANDENBURG, STAMAS, MARLEAU, ZORN, KOWALL, MACGREGOR and SHIRKEY and referred to the Committee on Judiciary.

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:

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

5 (2) A person who is required by this act to report an instance
6 of suspected child abuse or **CHILD** neglect and who knowingly fails
7 to do so is guilty of a misdemeanor punishable by imprisonment for
8 not more than ~~93 days~~ **1 YEAR** or a fine of not more than ~~\$500.00,~~
9 **\$1,000.00**, or both.

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

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

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

15 (a) If the child abuse or **CHILD** neglect reported would not
16 constitute a crime or would constitute a misdemeanor if the report
17 were true, the person is guilty of a misdemeanor punishable by
18 imprisonment for not more than 93 days or a fine of not more than
19 \$100.00, or both.

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

23 (i) The penalty for the child abuse or **CHILD** neglect falsely
24 reported.

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

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.