

2000 PUBLIC AND LOCAL ACTS

[No. 233]

(SB 1053)

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 135 (MCL 750.135).

The People of the State of Michigan enact:

750.135 Children; exposing with intent to injure or abandon; surrender of child to emergency service provider; definitions.
[M.S.A. 28.330]

Sec. 135. (1) 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) 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.

Applicability of section to violation committed before effective date of amendatory act.

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.

Effective date.

Enacting section 2. This amendatory act takes effect January 1, 2001.

Conditional effective date.

Enacting section 3. This amendatory act does not take effect unless Senate Bill No. 1052 of the 90th Legislature is enacted into law.

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This act is ordered to take immediate effect.

Approved June 26, 2000.

Filed with Secretary of State June 27, 2000.

Compiler's note: House Bill No. 1052, referred to in enacting section 3, was filed with the Secretary of State June 27, 2000, and became P.A. 2000, No. 232, Eff. Jan. 1, 2001.
