

---

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

---

Senate Bill 315 (Substitute S-1 as reported by the Committee of the Whole)  
Sponsor: Senator William Van Regenmorter  
Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Penal Code's child abuse provisions to revise the definition of "serious physical harm". Currently, "serious physical harm" means "an injury of a child's physical condition or welfare that is not necessarily permanent but constitutes substantial bodily disfigurement, or seriously impairs the function of a body organ or limb". Under the bill, that term would mean, instead, any physical injury to a child that seriously impaired the child's health or physical well-being, including but not limited to brain damage, a skull or bone fracture, subdural hemorrhage or hematoma, dislocation, sprain, internal injury, poisoning, burn or scald, or severe cut.

Under the Code, first-degree child abuse, which is a felony punishable by up to 15 years' imprisonment, is the knowing or intentional causing of serious physical or serious mental harm to a child. Second-degree child abuse, which is a felony punishable by up to four years' imprisonment, is an omission that causes serious physical harm or serious mental harm to a child or a reckless act that causes serious physical harm to a child. ("Serious mental harm" means an injury to a child's mental condition or welfare that is not necessarily permanent but results in visibly demonstrable manifestations of a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.)

The bill would take effect 90 days after its enactment.

MCL 750.136b

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State government.

In 1997, there were 31 dispositions for first-degree child abuse and 20 dispositions for second-degree child abuse. Of the dispositions for first-degree child abuse, 18 offenders were sentenced to prison, and of the dispositions for second-degree child abuse, four were sentenced to prison. There are no data to indicate how many more people would be convicted given an expanded definition of "serious physical harm".

Date Completed: 5-18-99

Fiscal Analyst: K. Firestone