

SENATE BILL NO. 315

February 16, 1999, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 136b (MCL 750.136b), as added by 1988 PA 251.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 136b. (1) As used in this section:

2 (a) "Child" means a person who is less than 18 years of age
3 and is not emancipated by operation of law as provided in section
4 ~~4(1) of Act No. 293 of the Public Acts of 1968, being section~~
5 ~~722.4 of the Michigan Compiled Laws~~ 4 OF 1968 PA 293, MCL
6 722.4.

7 (b) "Omission" means a willful failure to provide the food,
8 clothing, or shelter necessary for a child's welfare or the
9 willful abandonment of a child.

1 (c) "Person" means a child's parent or guardian or any other
2 person who cares for, has custody of, or has authority over a
3 child regardless of the length of time that a child is cared for,
4 in the custody of, or subject to the authority of that person.

5 (d) "Physical harm" means any injury to a child's physical
6 condition.

7 (e) "Serious physical harm" means an injury of a child's
8 physical condition or welfare that is not necessarily permanent
9 but constitutes substantial bodily disfigurement, or seriously
10 impairs the function of a body organ or limb, OR IS A FRACTURE OF
11 A RIB, THE SKULL, OR THE SPINE.

12 (f) "Serious mental harm" means an injury to a child's
13 mental condition or welfare that is not necessarily permanent but
14 results in visibly demonstrable manifestations of a substantial
15 disorder of thought or mood which significantly impairs judgment,
16 behavior, capacity to recognize reality, or ability to cope with
17 the ordinary demands of life.

18 (2) A person is guilty of child abuse in the first degree if
19 the person knowingly or intentionally causes serious physical or
20 serious mental harm to a child. Child abuse in the first degree
21 is a felony punishable by imprisonment for not more than 15
22 years.

23 (3) A person is guilty of child abuse in the second degree
24 if the person's omission causes serious physical harm or serious
25 mental harm to a child or if the person's reckless act causes
26 serious physical harm to a child. Child abuse in the second

1 degree is a felony punishable by imprisonment for not more than 4
2 years.

3 (4) A person is guilty of child abuse in the third degree if
4 the person knowingly or intentionally causes physical harm to a
5 child. Child abuse in the third degree is a misdemeanor punish-
6 able by imprisonment for not more than 2 years.

7 (5) A person is guilty of child abuse in the fourth degree
8 if the person's omission or reckless act causes physical harm to
9 a child. Child abuse in the fourth degree is a misdemeanor pun-
10 ishable by imprisonment for not more than 1 year.

11 (6) This section ~~shall~~ DOES not ~~be construed to~~ prohibit
12 a parent or guardian, or other person permitted by law or autho-
13 rized by the parent or guardian, from taking steps to reasonably
14 discipline a child, including the use of reasonable force.