

HOUSE BILL No. 4468

March 27, 2003, Introduced by Reps. Van Regenmorter, Nofs, Middaugh, Newell, Shaffer, Vander Veen, Brandenburg, Taub, Tabor, Voorhees, LaJoy, Pastor, Gaffney, Meisner, Kooiman, Huizenga, Stahl, Robertson, Emmons and Palsrok and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 136b (MCL 750.136b), as amended by 1999 PA
273.

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 of 1968 PA 293, MCL 722.4.

5 (b) "Cruel" means brutal, inhuman, sadistic, or that which
6 torments.

7 (c) "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.

10 (d) "Person" means a child's parent or guardian or any other

1 person who cares for, has custody of, or has authority over a
2 child regardless of the length of time that a child is cared for,
3 in the custody of, or subject to the authority of that person.

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

6 (f) "Serious physical harm" means any physical injury to a
7 child that seriously impairs the child's health or physical
8 well-being, including, but not limited to, brain damage, a skull
9 or bone fracture, subdural hemorrhage or hematoma, dislocation,
10 sprain, internal injury, poisoning, burn or scald, or severe
11 cut.

12 (g) "Serious mental harm" means an injury to a child's mental
13 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~~ **either of the following applies:**

20 (a) **The person knowingly or intentionally causes serious**
21 **physical or serious mental harm to a child.**

22 (b) **The person knowingly or intentionally commits an act that**
23 **causes serious physical or serious mental harm to a child.**

24 (3) Child abuse in the first degree is a felony punishable by
25 imprisonment for not more than 15 years.

26 (4) ~~(3)~~ A person is guilty of child abuse in the second
27 degree if any of the following apply:

1 (a) The person's omission causes serious physical harm or
2 serious mental harm to a child or if the person's reckless act
3 causes serious physical harm to a child.

4 (b) The person knowingly or intentionally commits an act
5 likely to cause serious physical or mental harm to a child
6 regardless of whether harm results.

7 (c) The person knowingly or intentionally commits an act that
8 is cruel to a child regardless of whether harm results.

9 (5) ~~-(4)-~~ Child abuse in the second degree is a felony
10 punishable by imprisonment for not more than 4 years.

11 (6) ~~-(5)-~~ A person is guilty of child abuse in the third
12 degree if the person knowingly or intentionally causes physical
13 harm to a child. Child abuse in the third degree is a
14 misdemeanor punishable by imprisonment for not more than 2
15 years.

16 (7) ~~-(6)-~~ A person is guilty of child abuse in the fourth
17 degree if the person's omission or reckless act causes physical
18 harm to a child. Child abuse in the fourth degree is a
19 misdemeanor punishable by imprisonment for not more than 1 year.

20 (8) ~~-(7)-~~ This section does not prohibit a parent or
21 guardian, or other person permitted by law or authorized by the
22 parent or guardian, from taking steps to reasonably discipline a
23 child, including the use of reasonable force.