

Legislative Analysis



LEAVING CHILDREN UNATTENDED IN CAR: PROHIBIT & PENALIZE

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House Bill 5914

Sponsor: Rep. Fran Amos

House Bill 5915

Sponsor: Rep. David Law

Committee: Judiciary

Complete to 5-30-06

A SUMMARY OF HOUSE BILLS 5914 AND 5915 AS INTRODUCED 3-28-06

The bills would prohibit a person from leaving a child unattended in a vehicle for a period of time that posed a risk of harm or injury; create a tiered-penalty structure for violations; and place the maximum terms of imprisonment for felony violations within the sentencing guidelines.

House Bill 5914 would add a new section to the Michigan Penal Code (MCL 750.135a). The bill would prohibit a person who was responsible for the care or welfare of a child to leave that child unattended in a vehicle for a period of time that a reasonable person would determine posed a risk of harm or injury to the child or under circumstances that a reasonable person would determine posed a risk of harm or injury to the child. The bills would apply to leaving unattended a child less than six years of age. "Unattended" would mean alone or without the supervision of an individual 13 years of age or older who was not legally incapacitated.

The penalty for a violation would be as follows:

- 1) A misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both.
- 2) If the violation resulted in physical harm other than serious physical harm to the child, a misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than \$1,000.
- 3) A violation resulting in serious physical harm to the child would be a felony punishable by imprisonment for up to 10 years and/or a fine of not more than \$5,000.
- 4) A violation resulting in the death of the child would be a felony punishable by imprisonment for not more than 15 years and/or a fine of not more than \$10,000.

The terms "physical harm" and "serious physical harm" would mean those terms as defined in Section 136b of the code.

House Bill 5915 would amend the Code of Criminal Procedure (777.16g) to specify that leaving a child unattended in a vehicle resulting in serious physical harm would be a Class D felony against a person with a maximum term of imprisonment of 10 years. Leaving a child unattended in a vehicle resulting in death would be Class B felony against a person with a 15-year maximum term of imprisonment.

The bill is tie-barred to House Bill 5914.

FISCAL IMPACT:

The fiscal impact of the bills would depend on how they affected misdemeanor and felony convictions and sentences. To the extent that more offenders were convicted of and sentenced for misdemeanors, the bills could increase local costs of incarceration and misdemeanor probation supervision, both of which vary by jurisdiction. To the extent that more offenders were convicted of and sentenced for felonies, the bills could increase state costs of incarceration, which average about \$30,000 per offender per year, and felony probation supervision, which averages about \$2,000 per supervised offender per year. Any increase in penal fine revenues would benefit local libraries, which are the constitutionally-designated recipients of such revenues.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.