

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5431

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 411a (MCL 750.411a), as amended by 2004 PA 104.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 411a. (1) Except as **OTHERWISE** provided in ~~subsection~~
2 **SUBSECTIONS** (2) ~~—AND~~ (3), a person who intentionally makes a false
3 report of the commission of a crime, or intentionally causes a
4 false report of the commission of a crime to be made, to a peace
5 officer, police agency of this state or of a local unit of
6 government, 9-1-1 operator, or any other governmental employee or
7 contractor or employee of a contractor who is authorized to receive
8 reports of a crime, knowing the report is false, is guilty of a
9 crime as follows:

10 (a) ~~IF~~ **EXCEPT AS PROVIDED IN SUBDIVISIONS (B) THROUGH (E)**, IF
11 the report is a false report of a misdemeanor, the person is guilty

1 of a misdemeanor punishable by imprisonment for not more than 93
2 days or a fine of not more than \$500.00, or both.

3 (b) ~~if~~ EXCEPT AS PROVIDED IN SUBDIVISIONS (C) THROUGH (E), IF
4 the report is a false report of a felony, the person is guilty of a
5 felony punishable by imprisonment for not more than 4 years or a
6 fine of not more than \$2,000.00, or both.

7 (C) EXCEPT AS PROVIDED IN SUBDIVISIONS (D) AND (E), IF THE
8 FALSE REPORT RESULTS IN A RESPONSE TO ADDRESS THE REPORTED CRIME
9 AND A PERSON INCURS PHYSICAL INJURY AS A PROXIMATE RESULT OF LAWFUL
10 CONDUCT ARISING OUT OF THAT RESPONSE, THE PERSON RESPONSIBLE FOR
11 THE FALSE REPORT IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
12 FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR
13 BOTH.

14 (D) IF THE FALSE REPORT RESULTS IN A RESPONSE TO ADDRESS THE
15 REPORTED CRIME AND A PERSON INCURS SERIOUS IMPAIRMENT OF A BODY
16 FUNCTION AS A PROXIMATE RESULT OF LAWFUL CONDUCT ARISING OUT OF
17 THAT RESPONSE, THE PERSON RESPONSIBLE FOR THE FALSE REPORT IS
18 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10
19 YEARS OR A FINE OF NOT MORE THAN \$25,000.00, OR BOTH.

20 (E) IF THE FALSE REPORT RESULTS IN A RESPONSE TO ADDRESS THE
21 REPORTED CRIME AND A PERSON IS KILLED AS A PROXIMATE RESULT OF
22 LAWFUL CONDUCT ARISING OUT OF THAT RESPONSE, THE PERSON RESPONSIBLE
23 FOR THE FALSE REPORT IS GUILTY OF A FELONY PUNISHABLE BY
24 IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT LESS THAN
25 \$25,000.00 OR MORE THAN \$50,000.00, OR BOTH.

26 (2) A person shall not do either of the following:

27 (a) Knowingly make a false report of a violation or attempted

1 violation of chapter XXXIII or section 327, 328, 397a, or 436 and
2 communicate or cause the communication of the false report to any
3 other person, knowing the report to be false.

4 (b) Threaten to violate chapter XXXIII or section 327, 328,
5 397a, or 436 and communicate or cause the communication of the
6 threat to any other person.

7 (3) A person who violates subsection (2) is guilty of a felony
8 punishable as follows:

9 (a) ~~For~~ **SUBJECT TO SUBSECTION (1) (C) THROUGH (E),** FOR a first
10 conviction under subsection (2), by imprisonment for not more than
11 4 years or a fine of not more than \$2,000.00, or both.

12 (b) ~~For~~ **SUBJECT TO SUBSECTION (1) (D) AND (E),** FOR a second or
13 subsequent conviction under subsection (2), imprisonment for not
14 more than 10 years or a fine of not more than \$5,000.00, or both.

15 (4) **A PERSON SHALL NOT INTENTIONALLY MAKE OR INTENTIONALLY**
16 **CAUSE TO BE MADE A FALSE REPORT OF A MEDICAL OR OTHER EMERGENCY TO**
17 **A PEACE OFFICER, POLICE AGENCY OF THIS STATE OR OF A LOCAL UNIT OF**
18 **GOVERNMENT, FIREFIGHTER OR FIRE DEPARTMENT OF THIS STATE OR A LOCAL**
19 **UNIT OF GOVERNMENT OF THIS STATE, 9-1-1 OPERATOR, MEDICAL FIRST**
20 **RESPONDER, OR ANY GOVERNMENTAL EMPLOYEE OR CONTRACTOR OR EMPLOYEE**
21 **OF A CONTRACTOR WHO IS AUTHORIZED TO RECEIVE REPORTS OF MEDICAL OR**
22 **OTHER EMERGENCIES. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY**
23 **OF A CRIME AS FOLLOWS:**

24 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) THROUGH (D), THE
25 PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
26 NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

27 (B) EXCEPT AS PROVIDED IN SUBDIVISIONS (C) AND (D), IF THE

1 FALSE REPORT RESULTS IN A RESPONSE TO ADDRESS THE REPORTED MEDICAL
2 OR OTHER EMERGENCY AND A PERSON INCURS PHYSICAL INJURY AS A
3 PROXIMATE RESULT OF LAWFUL CONDUCT ARISING OUT OF THAT RESPONSE,
4 THE PERSON RESPONSIBLE FOR THE FALSE REPORT IS GUILTY OF A FELONY
5 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF
6 NOT MORE THAN \$20,000.00, OR BOTH.

7 (C) IF THE FALSE REPORT RESULTS IN A RESPONSE TO ADDRESS THE
8 REPORTED MEDICAL OR OTHER EMERGENCY AND A PERSON INCURS SERIOUS
9 IMPAIRMENT OF A BODY FUNCTION AS A PROXIMATE RESULT OF LAWFUL
10 CONDUCT ARISING OUT OF THAT RESPONSE, THE PERSON RESPONSIBLE FOR
11 THE FALSE REPORT IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
12 FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE THAN \$25,000.00,
13 OR BOTH.

14 (D) IF THE FALSE REPORT RESULTS IN A RESPONSE TO ADDRESS THE
15 REPORTED CRIME AND A PERSON IS KILLED AS A PROXIMATE RESULT OF
16 LAWFUL CONDUCT ARISING OUT OF THAT RESPONSE, THE PERSON RESPONSIBLE
17 FOR THE FALSE REPORT IS GUILTY OF A FELONY PUNISHABLE BY
18 IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT LESS THAN
19 \$25,000.00 OR MORE THAN \$50,000.00, OR BOTH.

20 (5) ~~(4)~~—The court may order a person convicted under
21 subsection (2) OR (4) to pay to the state or a local unit of
22 government the costs of responding to the false report or threat
23 including, but not limited to, use of police, ~~ex~~ fire, MEDICAL, OR
24 OTHER emergency response vehicles and teams, ~~pursuant to~~ UNDER
25 section 1f of chapter IX of the code of criminal procedure, 1927 PA
26 175, MCL 769.1f, unless otherwise expressly provided for in this
27 section.

1 (6) ~~(5)~~—If the person ordered to pay costs under subsection
2 ~~(4)~~—(5) is a juvenile under the jurisdiction of the family division
3 of the circuit court under chapter 10 of the revised judicature act
4 of 1961, 1961 PA 236, MCL 600.1001 to 600.1043, all of the
5 following apply:

6 (a) If the court determines that the juvenile is or will be
7 unable to pay all of the costs ordered, after notice to the
8 juvenile's parent or parents and an opportunity for the parent or
9 parents to be heard, the court may order the parent or parents
10 having supervisory responsibility for the juvenile, at the time of
11 the acts upon which the order is based, to pay any portion of the
12 costs ordered that is outstanding. An order under this subsection
13 does not relieve the juvenile of his or her obligation to pay the
14 costs as ordered, but the amount owed by the juvenile shall be
15 offset by any amount paid by his or her parent. As used in this
16 subsection, "parent" does not include a foster parent.

17 (b) If the court orders a parent to pay costs under
18 subdivision (a), the court shall take into account the financial
19 resources of the parent and the burden that the payment of the
20 costs will impose, with due regard to any other moral or legal
21 financial obligations that the parent may have. If a parent is
22 required to pay the costs under subdivision (a), the court shall
23 provide for payment to be made in specified installments and within
24 a specified period of time.

25 (c) A parent who has been ordered to pay the costs under
26 subdivision (a) may petition the court for a modification of the
27 amount of the costs owed by the parent or for a cancellation of any

1 unpaid portion of the parent's obligation. The court shall cancel
2 all or part of the parent's obligation due if the court determines
3 that payment of the amount due will impose a manifest hardship on
4 the parent.

5 (7) A VIOLATION OR ATTEMPTED VIOLATION OF THIS SECTION OCCURS
6 IF THE COMMUNICATION OF THE FALSE REPORT ORIGINATES IN THIS STATE,
7 IS INTENDED TO TERMINATE IN THIS STATE, OR IS INTENDED TO TERMINATE
8 WITH A PERSON WHO IS IN THIS STATE.

9 (8) A VIOLATION OR ATTEMPTED VIOLATION OF THIS SECTION MAY BE
10 PROSECUTED IN ANY JURISDICTION IN WHICH THE COMMUNICATION
11 ORIGINATED OR TERMINATED.

12 (9) ~~(6)~~—As used in this section:

13 (a) "Local unit of government" means:

14 (i) A city, village, township, or county.

15 (ii) A local or intermediate school district.

16 (iii) A public school academy.

17 (iv) A community college.

18 (B) "MEDICAL FIRST RESPONDER" MEANS THAT TERM AS DEFINED IN
19 SECTION 20906 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
20 333.20906.

21 (C) "SERIOUS IMPAIRMENT OF A BODY FUNCTION" MEANS THAT TERM AS
22 DEFINED IN SECTION 395.

23 (D) ~~(b)~~—"State" includes, but is not limited to, a state
24 institution of higher education.

25 Enacting section 1. This amendatory act takes effect January
26 1, 2013.