

Act No. 39
Public Acts of 1992
Approved by the Governor
April 27, 1992
Filed with the Secretary of State
April 27, 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992**

Introduced by Rep. Strand

ENROLLED HOUSE BILL No. 4006

AN ACT to amend Act No. 238 of the Public Acts of 1975, entitled as amended "An act to require the reporting of child abuse and neglect by certain persons; to permit the reporting of child abuse and neglect by all persons; to provide for the protection of children who are abused or neglected; to authorize limited detainment in protective custody; to authorize medical examinations; to prescribe the powers and duties of the state department of social services to prevent child abuse and neglect; to prescribe certain powers and duties of local law enforcement agencies; to safeguard and enhance the welfare of children and preserve family life; to provide for the appointment of legal counsel; to provide for the abrogation of privileged communications; to provide civil and criminal immunity for certain persons; to provide rules of evidence in certain cases; to provide for confidentiality of records; to provide for the expungement of certain records; to prescribe penalties; and to repeal certain acts and parts of acts," as amended, being sections 722.621 to 722.636 of the Michigan Compiled Laws, by adding section 8a.

The People of the State of Michigan enact:

Section 1. Act No. 238 of the Public Acts of 1975, as amended, being sections 722.621 to 722.636 of the Michigan Compiled Laws, is amended by adding section 8a to read as follows:

Sec. 8a. (1) If an individual is bound over to circuit court for any of the following crimes, the prosecuting attorney shall execute the notices as prescribed by subsections (2) to (5):

(a) Criminal sexual conduct in the first, second, or third degree in violation of section 520b, 520c, or 520d of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.520b, 750.520c, and 750.520d of the Michigan Compiled Laws.

(b) Assault with intent to commit criminal sexual conduct in violation of section 520g of Act No. 328 of the Public Acts of 1931, being section 750.520g of the Michigan Compiled Laws.

(c) A felonious attempt or a felonious conspiracy to commit criminal sexual conduct.

(d) An assault on a child that is punishable as a felony.

(e) Child abuse in the first, second, or third degree, in violation of section 136b of Act No. 328 of the Public Acts of 1931, being section 750.136b of the Michigan Compiled Laws.

(f) Involvement in child sexually abusive material or child sexually abusive activity in violation of section 145c of Act No. 328 of the Public Acts of 1931, being section 750.145c of the Michigan Compiled Laws.

(2) If the individual is an employee of a nonpublic school as defined in section 5 of the school code of 1976, Act No. 451 of the Public Acts of 1976, being section 380.5 of the Michigan Compiled Laws, the prosecuting attorney shall notify the governing body of the nonpublic school.

(3) If the individual is an employee of a school district or intermediate school district, the prosecuting attorney shall notify the superintendent of the school district or intermediate school district.

(4) If the individual is an employee of the department who provides a service to children and youth as described in section 115 of the social welfare act, Act No. 280 of the Public Acts of 1939, being section 400.115 of the Michigan Compiled Laws, the prosecuting attorney shall notify the county director of social services or the superintendent of the training school.

(5) If the individual is an employee of a child care organization as defined in section 1 of Act No. 116 of the Public Acts of 1973, being section 722.111 of the Michigan Compiled Laws, the prosecuting attorney shall notify the department and the owner or operator of that child care organization.

(6) Upon final disposition of a criminal matter for which a notice was given under subsections (2) to (5), the prosecuting attorney shall notify each person previously notified under subsections (2) to (5) of that disposition.

(7) A person who is notified or otherwise receives information under this section shall keep the information received confidential except so far as disclosure is necessary to take appropriate action in response to the information.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.