



SENATE BILL No. 979

January 25, 1994, Introduced by Senators DiNello and
Welborn and referred to the Committee on Judiciary

A bill to amend section 136b of Act No 328 of the Public
Acts of 1931, entitled as amended
"The Michigan penal code,"
as added by Act No 251 of the Public Acts of 1988, being section
750 136b of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 136b of Act No 328 of the Public Acts
2 of 1931, as added by Act No 251 of the Public Acts of 1988,
3 being section 750 136b of the Michigan Compiled Laws, is amended
4 to read as follows

5 Sec 136b (1) As used in this section

6 (a) "Child" means a person who is less than 18 years of age
7 and is not emancipated ~~by operation of law~~ as provided in
8 section 4(1) of Act No 293 of the Public Acts of 1968, being
9 section 722 4 of the Michigan Compiled Laws

1 (b) "Omission" means a willful failure to provide the food,
2 clothing, or shelter necessary for a child's welfare or the will-
3 ful abandonment of a child

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

8 (d) "Physical harm" means any injury to a child's physical
9 condition

10 (e) "Serious physical harm" means an injury of a child's
11 physical condition or welfare that is not necessarily permanent
12 but constitutes substantial bodily disfigurement ~~—~~ or seriously
13 impairs the function of a body organ or limb

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

20 (2) A person is guilty of child abuse in the first degree if
21 the person knowingly or intentionally causes serious physical or
22 serious mental harm to a child Child abuse in the first degree
23 is a felony ~~—punishable—~~ AND SHALL BE PUNISHED by imprisonment
24 for ~~—not more than 15 years—~~ LIFE WITHOUT PAROLE

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

1 serious physical harm to a child Child abuse in the second
2 degree is a felony punishable by imprisonment for not more than 4
3 years

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

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

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

16 Section 2 This amendatory act shall not take effect unless
17 Senate Bill No 980

18 of the 87th Legislature is enacted into law