



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bills 596 (Substitute S-3) and 597 (Substitute S-3)

Sponsor: Senator Joel D. Gougeon (Senate Bill 596)

Senator Loren Bennett (Senate Bill 597)

Committee: Families, Mental Health and Human Services

Date Completed: 12-21-95

SUMMARY OF SENATE BILLS 596 (Substitute S-3) and 597 (Substitute S-3) as passed by the Senate:

Senate Bills 596 (S-3) and 597 (S-3) would amend the Child Protection Law and the Michigan Penal Code, respectively, to increase the penalty for making a false report of child abuse or neglect, or a false report of child sexual abuse or physical or emotional abuse or neglect of a child. The bills are tie-barred to each other, and would take effect June 1, 1996.

The Child Protection Law requires certain individuals to report an instance of suspected child abuse or neglect, and prescribes penalties for various violations, including knowingly and maliciously making a false report of child abuse or neglect under the Law. Currently, that offense is a misdemeanor. Under Senate Bill 596 (S-3), a person who intentionally made a false report under the Law knowing or having reason to know that the report was false, would be guilty of a felony punishable by imprisonment for up to two years and/or a fine of up to \$2,000.

The Michigan Penal Code provides that it is a misdemeanor, punishable by imprisonment for up to 90 days and/or a maximum fine of \$100, for a person willfully and knowingly to make a false report of a crime to a law enforcement officer. Senate Bill 597 (S-3) would retain this penalty but create a separate penalty for false reports of child abuse. Under the bill, a person who intentionally made a false report of child sexual abuse or physical or emotional abuse or neglect of a child to a peace officer, court, prosecuting attorney, agency having jurisdiction over these matters, or person required to act on the report pursuant to the Child Protection Law, knowing or having reason to know that the report was false, would be guilty of a felony punishable by imprisonment for up to two years and/or a maximum fine of \$2,000. That penalty also would apply to a person who intentionally made a false report of a domestic dispute or an incident involving domestic violence for which a peace officer would be required to prepare a domestic violence report under the Code of Criminal Procedure.

MCL 722.633 (S.B. 596)
750.411a (S.B. 597)

Legislative Analyst: S. Margules

FISCAL IMPACT

The bills would have an indeterminate impact on State and local government.

Given that the false reporting of child abuse under current law is a misdemeanor, changing this violation to a felony could result in increased prison commitments, and a corresponding decrease in local fines and jail sanctions. There are, however, no data available on the projected number of annual violations, or the expected average number of prison sentences as a result of those violations. An increase of five annual prison commitments, each receiving an average one-year prison sentence, could result in increased costs to the Department of Corrections of approximately \$50,000 to \$65,000 annually.

Fiscal Analyst: M. Hansen