



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 597 (Substitute S-3 as reported)
Sponsor: Senator Loren Bennett
Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Michigan Penal Code to increase the penalty for making a false report of child sexual abuse or physical or emotional abuse or neglect of a child. Currently, the 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. The bill 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 such matters, or person required to act on the report under 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.

Also, in regard to the existing offense, the bill would refer to a person who "intentionally" (rather than willfully and knowingly) made a false report knowing or having reason to know that it was false.

The bill would take effect on June 1, 1996, and is tie-barred to Senate Bill 596. Senate Bill 596 (S-3) would establish the same felony penalty for making a false report under the Child Protection Law.

MCL 750.411a

Legislative Analyst: S. Margules

FISCAL IMPACT

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

Date Completed: 10-24-95

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.