



HOUSE BILL No. 4279

February 1, 1995, Introduced by Reps. LeTarte, DeHart, Kukuk, Hill, Hammerstrom, Voorhees, Bodem, Green, Baird, McBryde, Weeks, Middleton, Martinez, Dalman, Tesanovich, Gilmer, Gernaat, Hanley, Oxender and Pitoniak and referred to the Committee on Judiciary and Civil Rights.

A bill to amend Act No. 328 of the Public Acts of 1931,
entitled as amended
"The Michigan penal code,"
as amended, being sections 750.1 to 750.568 of the Michigan
Compiled Laws, by adding section 350b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 350b to read as follows:

4 SEC. 350B. (1) A PERSON SHALL NOT DO ANY OF THE FOLLOWING:

5 (A) WITHOUT THE PERMISSION OF AN INDIVIDUAL HAVING RESPONSIBI-
6 LITY FOR SUPERVISING A DEVELOPMENTALLY DISABLED PERSON, REMOVE
7 OR ATTEMPT TO REMOVE THAT DEVELOPMENTALLY DISABLED PERSON FROM
8 THAT INDIVIDUAL'S SUPERVISION.

1 (B) WITHOUT THE PERMISSION OF AN INDIVIDUAL HAVING
2 RESPONSIBILITY FOR SUPERVISING A DEVELOPMENTALLY DISABLED PERSON,
3 CONCEAL THAT DEVELOPMENTALLY DISABLED PERSON FROM THAT
4 INDIVIDUAL.

5 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
6 PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS.

7 (3) IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION
8 THAT THE PERSON DID NOT KNOW THE DEVELOPMENTALLY DISABLED PERSON
9 WAS A DEVELOPMENTALLY DISABLED PERSON.

10 (4) IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION
11 THAT THE DEVELOPMENTALLY DISABLED PERSON VOLUNTARILY WENT WITH OR
12 STAYED WITH THE PERSON.

13 (5) AS USED IN THIS SECTION:

14 (A) "DEVELOPMENTALLY DISABLED PERSON" MEANS THAT TERM AS
15 DEFINED IN SECTION 600 OF THE MENTAL HEALTH CODE, ACT NO. 258 OF
16 THE PUBLIC ACTS OF 1974, BEING SECTION 330.1600 OF THE MICHIGAN
17 COMPILED LAWS.

18 (B) "SUPERVISING" OR "SUPERVISION" MEANS THE LAWFUL OVER-
19 SIGHT OF AN INDIVIDUAL BY ANOTHER INDIVIDUAL, WHETHER OR NOT THE
20 INDIVIDUAL SUBJECT TO THE OVERSIGHT IS IN THE PHYSICAL PRESENCE
21 OF THE OTHER INDIVIDUAL.