



# HOUSE BILL No. 4880

May 18, 1995, Introduced by Reps. DeHart, Kelly, Baird, Schroer, Tesanovich, Agee, Gubow, Dalman, Gire, Freeman, Kilpatrick, Parks, Jaye, Bodem, London, Hammerstrom, Middaugh, Dobronski, Yokich, Galloway, Dolan, Bankes, Goschka, Hanley, Stallworth, Scott, Martinez, Ciaramitaro, Pitoniak, Cherry and Wallace and referred to the Committee on Judiciary and Civil Rights.

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 section  
8 4 of Act No. 293 of the Public Acts of 1968, being section 722.4  
9 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~~ 1 OR MORE OF THE  
11 FOLLOWING:

12 (i) AN injury of a child's physical condition or welfare  
13 that is not necessarily permanent but constitutes substantial  
14 bodily disfigurement, or seriously impairs the function of a body  
15 organ or limb.

16 (ii) BRAIN DAMAGE, SKULL OR BONE FRACTURE, SUBDURAL HEMOR-  
17 RHAGE OR HEMATOMA, DISLOCATION, INTERNAL INJURY, POISONING, OR A  
18 BURN, SCALD, OR SEVERE CUT.

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

25 (2) A person is guilty of child abuse in the first degree if  
26 the person knowingly or intentionally causes serious physical or  
27 serious mental harm to a child. Child abuse in the first degree

1 is a felony punishable by imprisonment for not more than 15  
2 years.

3       (3) A person is guilty of child abuse in the second degree  
4 if the person's omission causes serious physical harm or serious  
5 mental harm to a child or if the person's reckless act causes  
6 serious physical harm to a child. Child abuse in the second  
7 degree is a felony punishable by imprisonment for not more than 4  
8 years.

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

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

17       (6) This section shall not be construed to prohibit a parent  
18 or guardian, or other person permitted by law or authorized by  
19 the parent or guardian, from taking steps to reasonably disci-  
20 pline a child, including the use of reasonable force.