

HOUSE BILL No. 4178

January 30, 1997, Introduced by Reps. Baird, Wallace, Schauer, Bogardus, Wojno, Hanley, Hale, Kilpatrick, Curtis, Dalman, Bankes, Gubow, Gire, DeHart, Martinez, Willard, Vaughn, Goschka, Law and Bobier and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 136b (MCL 750.136b), as added by 1988 PA 251;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 136b. (1) As used in this section:

2 (a) "Child" means a person who is less than 18 years of age
3 and is not emancipated by operation of law as provided in section
4 ~~4(1)~~ 4 of ~~Act No. 293 of the Public Acts of 1968, being sec-~~
5 ~~tion 722.4 of the Michigan Compiled Laws~~ 1968 PA 293, MCL
6 722.4.

7 (b) "Omission" means ~~a willful~~ AN INTENTIONAL failure to
8 provide the food, clothing, MEDICAL CARE, or shelter necessary
9 for a child's welfare or the ~~willful~~ INTENTIONAL abandonment of

1 a child, REGARDLESS OF WHETHER THE PERSON INTENDED AN INJURY TO
2 RESULT FROM THE FAILURE OR ABANDONMENT.

3 (c) "Person" means a child's parent or guardian or any other
4 person who cares for, has custody of, or has authority over a
5 child regardless of the length of time that ~~a~~ THE child is
6 cared for, in the custody of, or subject to the authority of that
7 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 significantly impairs judgment,
18 behavior, capacity to recognize reality, or ability to cope with
19 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 by imprisonment for not more than 15
24 years.

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 Enacting section 1. Section 14 of the child protection law,
17 1975 PA 238, MCL 722.634, is repealed.