

# HOUSE BILL No. 5707

March 19, 1998, Introduced by Reps. LaForge and Schauer and referred to the Committee on Education.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 411a (MCL 750.411a), as amended by 1996 PA  
303.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 411a. (1) Except as provided in subsection (2) OR (3),  
2 a person who intentionally makes a false report of the commission  
3 of a crime to a member of the Michigan state police, a sheriff or  
4 deputy sheriff, a police officer of a city or village, or any  
5 other peace officer of this state knowing the report is false is  
6 guilty of a crime as follows:  
7       (a) If the report is a false report of a misdemeanor, the  
8 person is guilty of a misdemeanor punishable by imprisonment for  
9 not more than 93 days or a fine of not more than \$100.00, or  
10 both.

1 (b) If the report is a false report of a felony, the person  
2 is guilty of a felony punishable by the lesser of the following:

3 (i) The penalty for the felony falsely reported.

4 (ii) Imprisonment for not more than 4 years or a fine of not  
5 more than \$2,000.00, or both.

6 (2) If the false report of a crime relates to a bombing,  
7 attempted bombing, or threat to bomb and the report is intention-  
8 ally communicated to an individual described in subsection (1) or  
9 to any other person knowing the report is false, the person  
10 making the false report is guilty of a crime punishable by the  
11 lesser of the following:

12 (a) The penalty for the bombing, attempted bombing, or  
13 threat to bomb falsely reported.

14 (b) Imprisonment for not more than 4 years or a fine of not  
15 more than \$2,000.00, or both.

16 (3) A PERSON WHO MAKES A FALSE REPORT OF THE COMMISSION OF A  
17 CRIME DESCRIBED IN SECTION 6(6)(G) OF THE STATE SCHOOL AID ACT OF  
18 1979, 1979 PA 94, MCL 388.1606, FOR THE PURPOSE OF HAVING A PUPIL  
19 COUNTED IN MEMBERSHIP IN A SCHOOL DISTRICT UNDER THAT SECTION IS  
20 GUILTY OF A FELONY AND SHALL BE PUNISHED BY A FINE OF NOT MORE  
21 THAN THE AMOUNT OF THE FOUNDATION ALLOWANCE FOR THE SCHOOL DIS-  
22 TRICT OF RESIDENCE OF THE PUPIL ALLEGED TO BE THE VICTIM OF THE  
23 CRIME AS CALCULATED UNDER SECTION 20 OF THE STATE SCHOOL AID ACT  
24 OF 1979, 1979 PA 94, MCL 388.1620, AND IN ADDITION THE PERSON MAY  
25 BE IMPRISONED FOR NOT MORE THAN 4 YEARS OR THE MAXIMUM TERM OF  
26 IMPRISONMENT FOR THE CRIME FALSELY REPORTED, WHICHEVER IS LESS.

1       (4) IF A PERSON MAKES A REPORT OF THE COMMISSION OF A CRIME  
2 DESCRIBED IN SECTION 6(6)(G) OF THE STATE SCHOOL AID ACT OF 1979,  
3 1979 PA 94, MCL 388.1606, FOR THE PURPOSE OF HAVING A PUPIL  
4 COUNTED IN MEMBERSHIP IN A SCHOOL DISTRICT UNDER THAT SECTION, IF  
5 THE PUPIL IS COUNTED IN MEMBERSHIP IN THAT SCHOOL DISTRICT, AND  
6 IF THE PERSON SUBSEQUENTLY WITHDRAWS THE REPORT OR COMPLAINT OF  
7 THE CRIME, THE PERSON IS GUILTY OF A MISDEMEANOR AND SHALL BE  
8 PUNISHED BY A FINE OF NOT MORE THAN THE AMOUNT OF THE FOUNDATION  
9 ALLOWANCE FOR THE SCHOOL DISTRICT OF RESIDENCE OF THE PUPIL  
10 ALLEGED TO BE THE VICTIM OF THE CRIME, AS CALCULATED UNDER  
11 SECTION 20 OF THE STATE SCHOOL AID ACT OF 1979, 1979 PA 94, MCL  
12 388.1620, AND IN ADDITION THE PERSON MAY BE IMPRISONED FOR NOT  
13 MORE THAN 93 DAYS.

14       (5) AS PART OF THE RESTITUTION ORDERED UNDER SECTION 30 OF  
15 CHAPTER XIIIA OF 1939 PA 288, MCL 712A.30, SECTION 16, 44, OR 76  
16 OF THE CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.766,  
17 780.794, AND 780.826, OR SECTION 1A OF CHAPTER IX OF THE CODE OF  
18 CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1A, A PERSON CONVICTED  
19 OF VIOLATING SUBSECTION (3) OR (4) SHALL PAY THE PUPIL'S SCHOOL  
20 DISTRICT OF RESIDENCE AN AMOUNT EQUAL TO THE AMOUNT OF STATE  
21 SCHOOL AID THAT DISTRICT WOULD HAVE RECEIVED ATTRIBUTABLE TO THE  
22 PUPIL IF THE PUPIL HAD BEEN COUNTED IN MEMBERSHIP IN HIS OR HER  
23 SCHOOL DISTRICT OF RESIDENCE.

24       Enacting section 1. This amendatory act does not take  
25 effect unless Senate Bill No. 689 of the 89th Legislature is  
26 enacted into law.