

**SENATE BILL NO. 1126**

May 7, 1998, Introduced by Senators SHUGARS, GOUGEON, ROGERS,  
STEIL, EMMONS, MC MANUS, KOIVISTO and DINGELL and referred  
to the Committee on Judiciary.

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending section 13 (MCL 722.633), as amended by 1996 PA 309.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 13. (1) A person who is required by this act to report  
2 an instance of suspected child abuse or neglect and who fails to  
3 do so is civilly liable for the damages proximately caused by the  
4 failure.

5       (2) A person who is required by this act to report an  
6 instance of suspected child abuse or neglect and who knowingly  
7 fails to do so is guilty of a CRIME AS FOLLOWS:

8       (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), A misdemeanor  
9 punishable by imprisonment for not more than 93 days or a fine of  
10 not more than ~~-\$100.00-~~ \$500.00, or both.

1 (B) FOR A SECOND OR SUBSEQUENT VIOLATION OF THIS SUBSECTION,  
2 A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR  
3 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

4 (3) Except as provided in section 7, a person who dissemi-  
5 nates, or who permits or encourages the dissemination of, infor-  
6 mation contained in the central registry and in reports and  
7 records made pursuant to this act is guilty of a misdemeanor pun-  
8 ishable by imprisonment for not more than 93 days or a fine of  
9 not more than \$100.00, or both, and is civilly liable for the  
10 damages proximately caused by the dissemination.

11 (4) A person who willfully maintains a report or record  
12 required to be expunged under section 7 is guilty of a misde-  
13 meanor punishable by imprisonment for not more than 93 days or a  
14 fine of not more than \$100.00, or both.

15 (5) A person who intentionally makes a false report of child  
16 abuse or neglect under this act knowing that the report is false  
17 is guilty of a crime as follows:

18 (a) If the child abuse or neglect reported would not consti-  
19 tute a crime or would constitute a misdemeanor if the report were  
20 true, the person is guilty of a misdemeanor punishable by impris-  
21 onment for not more than 93 days or a fine of not more than  
22 \$100.00, or both.

23 (b) If the child abuse or neglect reported would constitute  
24 a felony if the report were true, the person is guilty of a  
25 felony punishable by the lesser of the following:

26 (i) The penalty for the child abuse or neglect falsely  
27 reported.

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