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SFA**BILL ANALYSIS**

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House Bill 4711 (as reported without amendment)
Sponsor: Representative Judith Scranton
House Committee: Criminal Law and Corrections
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to require that health care providers or facilities report the cause of a violent injury and the perpetrator of the injury, if known, when reporting that injury to the police.

Currently, the Penal Code requires certain medical providers and facilities to report to police incidents of violent injury, and makes failure to do so a misdemeanor. The report must state the name and residence of the person treated, the person's whereabouts, and the character and extent of the injury. The bill would require the report also to include the cause of the injury and the identification of the perpetrator, if known.

In addition, the bill specifies that, to the extent not protected by immunity conferred by the governmental immunity Act, a person who made a report of a violent injury in good faith, as required by the Penal Code, or who cooperated in good faith in a subsequent investigation, civil proceeding, or criminal proceeding would be immune from civil or criminal liability that the person otherwise would incur by making the report or cooperating in an investigation or proceeding. A person who made a report of a violent injury or who cooperated in an investigation or proceeding would be presumed to have acted in good faith, and that presumption could be rebutted only by clear and convincing evidence.

The immunity granted under the bill would extend only to the actions described in the bill and would not extend to another act or omission that was negligent or that amounted to professional malpractice, or both, and that caused personal injury or death.

The bill also specifies that the physician-patient privilege created under the Revised Judicature Act, a health professional-patient privilege created under Article 15 of the Public Health Code, and any other health professional-patient privilege created or recognized by law would not apply to a report made under the Penal Code's requirement, would not be valid reasons for failure to comply with the reporting requirement, and would not be a defense to a misdemeanor charge filed for failure to report the violent injury.

MCL 750.411

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would result in administrative savings regarding obtaining information on violent injuries.

Date Completed: 12-3-99

Fiscal Analyst: B. Bowerman

[floor/hb4711](#)

Analysis available @ <http://www.michiganlegislature.org>

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