

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 315

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.

**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) of Act No. 293 of the Public Acts of 1968, being section~~  
5 ~~722.4 of the Michigan Compiled Laws~~ 4 OF 1968 PA 293, MCL  
6 722.4.

7       (B) "CRUEL" MEANS BRUTAL, INHUMAN, SADISTIC, OR THAT WHICH  
8 TORTMENTS.

**SB0315, As Passed House, December 8, 1999**

Senate Bill No. 315

2

1 (C) ~~(b)~~ "Omission" means a willful failure to provide the  
2 food, clothing, or shelter necessary for a child's welfare or the  
3 willful abandonment of a child.

4 (D) ~~(c)~~ "Person" means a child's parent or guardian or any  
5 other person who cares for, has custody of, or has authority over  
6 a child regardless of the length of time that a child is cared  
7 for, in the custody of, or subject to the authority of that  
8 person.

9 (E) ~~(d)~~ "Physical harm" means any injury to a child's  
10 physical condition.

11 (F) ~~(e)~~ "Serious physical harm" means ~~an~~ ANY PHYSICAL  
12 injury ~~of a child's physical condition or welfare that is not~~  
13 ~~necessarily permanent but constitutes substantial bodily disfig-~~  
14 ~~urement, or~~ TO A CHILD THAT seriously impairs the ~~function of a~~  
15 ~~body organ or limb~~ CHILD'S HEALTH OR PHYSICAL WELL-BEING,  
16 INCLUDING, BUT NOT LIMITED TO, BRAIN DAMAGE, A SKULL OR BONE  
17 FRACTURE, SUBDURAL HEMORRHAGE OR HEMATOMA, DISLOCATION, SPRAIN,  
18 INTERNAL INJURY, POISONING, BURN OR SCALD, OR SEVERE CUT.

19 (G) ~~(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 significantly impairs judgment,  
23 behavior, capacity to recognize reality, or ability to cope with  
24 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

**SB0315, As Passed House, December 8, 1999**

Senate Bill No. 315

3

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~~ ANY OF THE FOLLOWING APPLY:

5 (A) THE person's omission causes serious physical harm or  
6 serious mental harm to a child or if the person's reckless act  
7 causes serious physical harm to a child.

8 (B) THE PERSON KNOWINGLY OR INTENTIONALLY COMMITS AN ACT  
9 LIKELY TO CAUSE SERIOUS PHYSICAL OR MENTAL HARM TO A CHILD  
10 REGARDLESS OF WHETHER HARM RESULTS.

11 (C) THE PERSON KNOWINGLY OR INTENTIONALLY COMMITS AN ACT  
12 THAT IS CRUEL TO A CHILD REGARDLESS OF WHETHER HARM RESULTS.

13 (4) Child abuse in the second degree is a felony punishable  
14 by imprisonment for not more than 4 years.

15 (5) ~~(4)~~ A person is guilty of child abuse in the third  
16 degree if the person knowingly or intentionally causes physical  
17 harm to a child. Child abuse in the third degree is a misde-  
18 meanor punishable by imprisonment for not more than 2 years.

19 (6) ~~(5)~~ A person is guilty of child abuse in the fourth  
20 degree if the person's omission or reckless act causes physical  
21 harm to a child. Child abuse in the fourth degree is a misde-  
22 meanor punishable by imprisonment for not more than 1 year.

23 (7) ~~(6)~~ This section ~~shall~~ DOES not ~~be construed to~~  
24 prohibit a parent or guardian, or other person permitted by law  
25 or authorized by the parent or guardian, from taking steps to  
26 reasonably discipline a child, including the use of reasonable  
27 force.

**SB0315, As Passed House, December 8, 1999**

Senate Bill No. 315

4

1 Enacting section 1. This amendatory act takes effect 90  
2 days after the date this amendatory act is enacted.