

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 633**

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), a  
2 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~~  
3 ~~following: (i) The penalty for the felony falsely reported.~~

4 ~~(ii) Imprisonment~~ IMPRISONMENT for not more than 4 years or a  
5 fine of not 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 (2) A PERSON SHALL NOT DO EITHER OF THE FOLLOWING:

15 (A) KNOWINGLY MAKE A FALSE REPORT OF A VIOLATION OR  
16 ATTEMPTED VIOLATION OF CHAPTER XXXIII OR SECTION 327 OR 328 AND  
17 COMMUNICATE THE FALSE REPORT TO ANY OTHER PERSON.

18 (B) THREATEN TO VIOLATE CHAPTER XXXIII OR SECTION 327 OR 328  
19 AND COMMUNICATE THE THREAT TO ANY OTHER PERSON.

20 (3) A person who violates subsection (2) is guilty of a  
21 felony punishable as follows:

22 (A) ~~(b) Imprisonment~~ FOR A FIRST CONVICTION UNDER SUBSEC-  
23 TION (2), BY IMPRISONMENT for not more than 4 years or a fine of  
24 not more than \$2,000.00, or both.

25 (B) FOR A SECOND OR SUBSEQUENT CONVICTION UNDER SUBSECTION  
26 (2), IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT  
27 MORE THAN \$5,000.00, OR BOTH.

1       (4) THE COURT MAY ORDER A PERSON CONVICTED UNDER SUBSECTION  
2 (2) TO PAY TO THE STATE OR A LOCAL UNIT OF GOVERNMENT THE COSTS  
3 OF RESPONDING TO THE FALSE REPORT INCLUDING, BUT NOT LIMITED TO,  
4 USE OF POLICE OR FIRE EMERGENCY RESPONSE VEHICLES AND TEAMS.

5       (5) IF THE PERSON ORDERED TO PAY COSTS UNDER SUBSECTION (4)  
6 IS A JUVENILE UNDER THE JURISDICTION OF THE FAMILY DIVISION OF  
7 THE CIRCUIT COURT UNDER CHAPTER 10 OF THE REVISED JUDICATURE ACT  
8 OF 1961, 1961 PA 236, MCL 600.1001 TO 600.1043, ALL OF THE FOL-  
9 LOWING APPLY:

10       (A) IF THE COURT DETERMINES THAT THE JUVENILE IS OR WILL BE  
11 UNABLE TO PAY ALL OF THE COSTS ORDERED, AFTER NOTICE TO THE  
12 JUVENILE'S PARENT OR PARENTS AND AN OPPORTUNITY FOR THE PARENT OR  
13 PARENTS TO BE HEARD, THE COURT MAY ORDER THE PARENT OR PARENTS  
14 HAVING SUPERVISORY RESPONSIBILITY FOR THE JUVENILE, AT THE TIME  
15 OF THE ACTS UPON WHICH THE ORDER IS BASED, TO PAY ANY PORTION OF  
16 THE COSTS ORDERED THAT IS OUTSTANDING. AN ORDER UNDER THIS SUB-  
17 SECTION DOES NOT RELIEVE THE JUVENILE OF HIS OR HER OBLIGATION TO  
18 PAY THE COSTS AS ORDERED, BUT THE AMOUNT OWED BY THE JUVENILE  
19 SHALL BE OFFSET BY ANY AMOUNT PAID BY HIS OR HER PARENT. AS USED  
20 IN THIS SUBSECTION, "PARENT" DOES NOT INCLUDE A FOSTER PARENT.

21       (B) IF THE COURT ORDERS A PARENT TO PAY COSTS UNDER SUBDIVI-  
22 SION (A), THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL  
23 RESOURCES OF THE PARENT AND THE BURDEN THAT THE PAYMENT OF THE  
24 COSTS WILL IMPOSE, WITH DUE REGARD TO ANY OTHER MORAL OR LEGAL  
25 FINANCIAL OBLIGATIONS THAT THE PARENT MAY HAVE. IF A PARENT IS  
26 REQUIRED TO PAY THE COSTS UNDER SUBDIVISION (A), THE COURT SHALL

**SB633, As Passed House, December 5, 2000**

Sub. SB 633 (H-2) as amended December 5, 2000 4

1 PROVIDE FOR PAYMENT TO BE MADE IN SPECIFIED INSTALLMENTS AND  
2 WITHIN A SPECIFIED PERIOD OF TIME.

3 (C) A PARENT WHO HAS BEEN ORDERED TO PAY THE COSTS UNDER  
4 SUBDIVISION (A) MAY PETITION THE COURT FOR A MODIFICATION OF THE  
5 AMOUNT OF THE COSTS OWED BY THE PARENT OR FOR A CANCELLATION OF  
6 ANY UNPAID PORTION OF THE PARENT'S OBLIGATION. THE COURT SHALL  
7 CANCEL ALL OR PART OF THE PARENT'S OBLIGATION DUE IF THE COURT  
8 DETERMINES THAT PAYMENT OF THE AMOUNT DUE WILL IMPOSE A MANIFEST  
9 HARDSHIP ON THE PARENT.

10 (6) AS USED IN THIS SECTION:

11 (A) "LOCAL UNIT OF GOVERNMENT" MEANS:

12 (i) A CITY, VILLAGE, TOWNSHIP, OR COUNTY.

13 (ii) A LOCAL OR INTERMEDIATE SCHOOL DISTRICT.

14 (iii) A PUBLIC SCHOOL ACADEMY.

15 (iv) A COMMUNITY COLLEGE.

16 (B) "STATE" INCLUDES A STATE INSTITUTION OF HIGHER  
17 EDUCATION.

18 Enacting section 1. This amendatory act takes effect  
19 [April] 1, 2001.