

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) "Omission" means a willful failure to provide the food,
8 clothing, or shelter necessary for a child's welfare or the
9 willful abandonment of a child.

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

5 (d) "Physical harm" means any injury to a child's physical
6 condition.

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

15 (f) "Serious mental harm" means an injury to a child's
16 mental condition or welfare that is not necessarily permanent but
17 results in visibly demonstrable manifestations of a substantial
18 disorder of thought or mood which significantly impairs judgment,
19 behavior, capacity to recognize reality, or ability to cope with
20 the ordinary demands of life.

21 (2) A person is guilty of child abuse in the first degree if
22 the person knowingly or intentionally causes serious physical or
23 serious mental harm to a child. Child abuse in the first degree
24 is a felony punishable by imprisonment for not more than 15
25 years.

26 (3) A person is guilty of child abuse in the second degree
27 if the person's omission causes serious physical harm or serious

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1 mental harm to a child or if the person's reckless act causes
2 serious physical harm to a child. Child abuse in the second
3 degree is a felony punishable by imprisonment for not more than 4
4 years.

5 (4) A person is guilty of child abuse in the third degree if
6 the person knowingly or intentionally causes physical harm to a
7 child. Child abuse in the third degree is a misdemeanor punish-
8 able by imprisonment for not more than 2 years.

9 (5) A person is guilty of child abuse in the fourth degree
10 if the person's omission or reckless act causes physical harm to
11 a child. Child abuse in the fourth degree is a misdemeanor pun-
12 ishable by imprisonment for not more than 1 year.

13 (6) This section ~~shall~~ DOES not ~~be construed to~~ prohibit
14 a parent or guardian, or other person permitted by law or autho-
15 rized by the parent or guardian, from taking steps to reasonably
16 discipline a child, including the use of reasonable force.

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