

**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.

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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, OR THREAT TO USE A HARMFUL
8 DEVICE, SUBSTANCE, OR MATERIAL and the report is intention-
9 ally communicated to ~~an individual described in subsection (1)~~
10 ~~or to any other~~ person knowing the report is false, the person
11 making the false report is guilty of a ~~crime~~ FELONY punishable
12 ~~by the lesser of the following~~ AS FOLLOWS:

13 ~~(a) The penalty for the bombing, attempted bombing, or~~
14 ~~threat to bomb falsely reported.~~

15 (A) ~~(b) Imprisonment~~ FOR A FIRST CONVICTION UNDER THIS
16 SUBSECTION, BY IMPRISONMENT for not more than 4 years or a fine
17 of not more than \$2,000.00, or both.

18 (B) FOR A SECOND OR SUBSEQUENT CONVICTION UNDER THIS SUBSEC-
19 TION, IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT
20 MORE THAN \$5,000.00, OR BOTH.

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

25 (4) IF THE PERSON ORDERED TO PAY COSTS UNDER SUBSECTION (3)
26 IS A JUVENILE UNDER THE JURISDICTION OF THE FAMILY DIVISION OF
THE CIRCUIT COURT UNDER CHAPTER 10 OF THE REVISED JUDICATURE ACT

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1 OF 1961, 1961 PA 236, MCL 600.1001 TO 600.1043, ALL OF THE
2 FOLLOWING APPLY:

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

14 (B) IF THE COURT ORDERS A PARENT TO PAY COSTS UNDER SUBDIVI-
15 SION (A), THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL
16 RESOURCES OF THE PARENT AND THE BURDEN THAT THE PAYMENT OF THE
17 COSTS WILL IMPOSE, WITH DUE REGARD TO ANY OTHER MORAL OR LEGAL
18 FINANCIAL OBLIGATIONS THAT THE PARENT MAY HAVE. IF A PARENT IS
19 REQUIRED TO PAY THE COSTS UNDER SUBDIVISION (A), THE COURT SHALL
20 PROVIDE FOR PAYMENT TO BE MADE IN SPECIFIED INSTALLMENTS AND
21 WITHIN A SPECIFIED PERIOD OF TIME.

22 (C) A PARENT WHO HAS BEEN ORDERED TO PAY THE COSTS UNDER
23 SUBDIVISION (A) MAY PETITION THE COURT FOR A MODIFICATION OF THE
24 AMOUNT OF THE COSTS OWED BY THE PARENT OR FOR A CANCELLATION OF
25 ANY UNPAID PORTION OF THE PARENT'S OBLIGATION. THE COURT SHALL
26 CANCEL ALL OR PART OF THE PARENT'S OBLIGATION DUE IF THE COURT

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1 DETERMINES THAT PAYMENT OF THE AMOUNT DUE WILL IMPOSE A MANIFEST

2 HARDSHIP ON THE PARENT.

(5) AS USED IN THIS SECTION:

(A) "HARMFUL DEVICE, SUBSTANCE, OR MATERIAL" INCLUDES, BUT IS NOT LIMITED TO, A DEVICE, SUBSTANCE, OR MATERIAL AS DEFINED IN SECTION 200H (E) TO (J) OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.200H.

(B) "LOCAL UNIT OF GOVERNMENT" MEANS:

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

(ii) A LOCAL OR INTERMEDIATE SCHOOL DISTRICT.

(iii) A PUBLIC SCHOOL ACADEMY.

(iv) A COMMUNITY COLLEGE.

(C) "STATE" INCLUDES A STATE INSTITUTION OF HIGHER EDUCATION.

3 Enacting section 1. This amendatory act takes effect 90

4 days after the date this amendatory act is enacted.