

Act No. 370
Public Acts of 2000
Approved by the Governor
January 1, 2001
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January 2, 2001
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**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

**Introduced by Senators Van Regenmorter, Shugars, Hammerstrom, Sikkema, Steil, Goschka, Gast,
Dunaskiss, Bennett, Gougeon, North, McManus, Koivisto and Byrum**

ENROLLED SENATE BILL No. 633

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 411a (MCL 750.411a), as amended by 1996 PA 303.

The People of the State of Michigan enact:

Sec. 411a. (1) Except as provided in subsection (2), a person who intentionally makes a false report of the commission of a crime to a member of the Michigan state police, a sheriff or deputy sheriff, a police officer of a city or village, or any other peace officer of this state knowing the report is false is guilty of a crime as follows:

(a) If the report is a false report of a misdemeanor, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(b) If the report is a false report of a felony, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(2) A person shall not do either of the following:

(a) Knowingly make a false report of a violation or attempted violation of chapter XXXIII or section 327 or 328 and communicate the false report to any other person.

(b) Threaten to violate chapter XXXIII or section 327 or 328 and communicate the threat to any other person.

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

(a) For a first conviction under subsection (2), by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(b) For a second or subsequent conviction under subsection (2), imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both.

(4) The court may order a person convicted under subsection (2) to pay to the state or a local unit of government the costs of responding to the false report including, but not limited to, use of police or fire emergency response vehicles and teams.

(5) If the person ordered to pay costs under subsection (4) is a juvenile under the jurisdiction of the family division of the circuit court under chapter 10 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1001 to 600.1043, all of the following apply:

(a) If the court determines that the juvenile is or will be unable to pay all of the costs ordered, after notice to the juvenile's parent or parents and an opportunity for the parent or parents to be heard, the court may order the parent or parents having supervisory responsibility for the juvenile, at the time of the acts upon which the order is based, to pay any portion of the costs ordered that is outstanding. An order under this subsection does not relieve the juvenile of his or her obligation to pay the costs as ordered, but the amount owed by the juvenile shall be offset by any amount paid by his or her parent. As used in this subsection, "parent" does not include a foster parent.

(b) If the court orders a parent to pay costs under subdivision (a), the court shall take into account the financial resources of the parent and the burden that the payment of the costs will impose, with due regard to any other moral or legal financial obligations that the parent may have. If a parent is required to pay the costs under subdivision (a), the court shall provide for payment to be made in specified installments and within a specified period of time.

(c) A parent who has been ordered to pay the costs under subdivision (a) may petition the court for a modification of the amount of the costs owed by the parent or for a cancellation of any unpaid portion of the parent's obligation. The court shall cancel all or part of the parent's obligation due if the court determines that payment of the amount due will impose a manifest hardship on the parent.

(6) As used in this section:

(a) "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.

(b) "State" includes a state institution of higher education.

Enacting section 1. This amendatory act takes effect April 1, 2001.

Carol Morey Viventi

Secretary of the Senate.

Dany E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.