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INCREASE PENALTIES FOR TATTOOING MINORS

House Bills 4769 and 4770
Sponsor: Rep. Virg Bonero
Committee: Criminal Justice

Complete to 8-29-01

A SUMMARY OF HOUSE BILLS 4769 AND 4770 AS INTRODUCED 5-15-01

The Public Health Code prohibits a person from tattooing, branding, or performing body-piercing on a minor without the parent's prior written informed consent; it is also prohibited to perform these procedures on a person who has been drinking or is under the influence of a controlled substance. The bills would amend the code to increase the penalties for violations and add the corresponding sentencing guideline to the Code of Criminal Procedure. Specifically, the bills would do the following:

House Bill 4769 would amend the Public Health Code (MCL 333.13103) to increase the penalties for tattooing, branding, or performing body-piercing on a minor without prior written parental consent. Currently, a violation is a misdemeanor punishable by imprisonment for not more than 90 days or a fine of up to \$500, or both. The bill would make the offense a felony, punishable by up to four years imprisonment or a fine of not more than \$2,000, or both.

The code also prohibits a person from tattooing, branding, or performing body-piercing on an individual under the influence of intoxicating liquors or a controlled substance. A person who violates this provision is liable in a civil action for actual damages or \$1,000, whichever is greater, plus reasonable court costs and attorney fees. The bill would raise the maximum on the monetary award to \$10,000.

House Bill 4770 would amend the Code of Criminal Procedure (MCL 777.17) to specify that tattooing, branding, or performing body-piercing on a minor without parental consent would be a Class F felony against the public order with a four-year maximum sentence of imprisonment. The bill is tie-barred to House Bill 4769.

Analyst: S. Stutzky

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