

# HOUSE BILL No. 5009

(As amended October 31, 2001)

July 10, 2001, Introduced by Reps. Middaugh, Richardville, Vander Veen, Toy, Hart, Caul, Birkholz, Howell, Jelinek and Patterson and referred to the Committee on Family and Children Services.

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
by amending section 13 (MCL 722.633), as amended by 1996 PA 309.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        Sec. 13. (1) A person who is required by this act to report  
2 an instance of suspected child abuse or neglect and who fails to  
3 do so is civilly liable for the damages proximately caused by the  
4 failure.

5        (2) A person who is required by this act to report an  
6 instance of suspected child abuse or neglect and who knowingly  
7 fails to do so is guilty of a misdemeanor punishable by imprison-  
8 ment for not more than [ 93        ] days or a fine of not more than  
9 ~~\$100.00~~ \$500.00, or both.

10        (3) Except as provided in section 7, a person who  
11 disseminates, or who permits or encourages the dissemination of,

1 information contained in the central registry and in reports and  
2 records made ~~pursuant to~~ AS PROVIDED IN this act is guilty of a  
3 misdemeanor punishable by imprisonment for not more than 93 days  
4 or a fine of not more than \$100.00, or both, and is civilly  
5 liable for the damages proximately caused by the dissemination.

6 (4) A person who willfully maintains a report or record  
7 required to be expunged under section 7 is guilty of a misde-  
8 meanor punishable by imprisonment for not more than 93 days or a  
9 fine of not more than \$100.00, or both.

10 (5) A person who intentionally makes a false report of child  
11 abuse or neglect under this act knowing that the report is false  
12 is guilty of a crime as follows:

13 (a) If the child abuse or neglect reported would not consti-  
14 tute a crime or would constitute a misdemeanor if the report were  
15 true, the person is guilty of a misdemeanor punishable by impris-  
16 onment for not more than 93 days or a fine of not more than  
17 \$100.00, or both.

18 (b) If the child abuse or neglect reported would constitute  
19 a felony if the report were true, the person is guilty of a  
20 felony punishable by the lesser of the following:

21 (i) The penalty for the child abuse or neglect falsely  
22 reported.

23 (ii) Imprisonment for not more than 4 years or a fine of not  
24 more than \$2,000.00, or both.