

# HOUSE BILL No. 5996

May 2, 2002, Introduced by Reps. Kuipers, Patterson, Richardville, Birkholz, Hummel, Jelinek, Vander Veen, Pappageorge, Van Woerkom, Vear, Palmer, Meyer, Tabor and George and referred to the Committee on Family and Children Services.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 135 (MCL 750.135), as amended by 2000  
PA 233.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 135. (1) ~~—A~~ EXCEPT AS PROVIDED IN SUBSECTION (3), A  
2       father or mother of a child under the age of 6 years, or another  
3       individual, who exposes the child in any street, field, house, or  
4       other place, with intent to injure or wholly to abandon the  
5       child, is guilty of a felony, punishable by imprisonment for not  
6       more than 10 years.

7       (2) Except for a situation involving actual or suspected  
8       child abuse or child neglect, it is an affirmative defense to a  
9       prosecution under subsection (1) that the child was not more than  
10      72 hours old and was surrendered to an emergency service provider

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1 under chapter XII of the probate code of 1939, 1939 PA 288, MCL  
2 712.1 to 712.20. A criminal investigation shall not be initiated  
3 solely on the basis of a newborn being surrendered to an emer-  
4 gency service provider under chapter XII of the probate code of  
5 1939, 1939 PA 288, MCL 712.1 to 712.20.

6 (3) SUBSECTION (1) DOES NOT APPLY TO A MOTHER OF A NEWBORN  
7 WHO IS SURRENDERED UNDER THE BORN ALIVE INFANT PROTECTION ACT.  
8 SUBSECTION (1) APPLIES TO AN ATTENDING PHYSICIAN WHO DELIVERS A  
9 LIVE NEWBORN AS A RESULT OF AN ATTEMPTED ABORTION AND FAILS TO  
10 COMPLY WITH THE REQUIREMENTS OF THE BORN ALIVE INFANT PROTECTION  
11 ACT.

12 (4) ~~-(3)-~~ As used in this section:

13 (a) "Emergency service provider" means a uniformed employee  
14 or contractor of a fire department, hospital, or police station  
15 when that individual is inside the premises and on duty.

16 (b) "Fire department" means an organized fire department as  
17 that term is defined in section 1 of the fire prevention code,  
18 1941 PA 207, MCL 29.1.

19 (c) "Hospital" means a hospital that is licensed under arti-  
20 cle 17 of the public health code, 1978 PA 368, MCL 333.20101 to  
21 333.22260.

22 (d) "Police station" means a police station as that term is  
23 defined in section 43 of the Michigan vehicle code, 1949 PA 300,  
24 MCL 257.43.

25 Enacting section 1. This amendatory act does not take  
26 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5994

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1 (request no. 06805'02 \*) of the 91st Legislature is enacted into  
2 law.