

# HOUSE BILL No. 5026

August 13, 2003, Introduced by Rep. Woronchak and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 411a (MCL 750.411a), as amended by 2002 PA  
672.

## 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, **or intentionally causes a false report of the**  
4 **commission of a crime to be made,** to a ~~member of the Michigan~~  
5 ~~state police, a sheriff or deputy sheriff, a police officer of a~~  
6 ~~city or village, or any other peace officer of this state~~ **peace**  
7 **officer, police agency of this state or of a local unit of**  
8 **government, 9-1-1 operator, or any other governmental employee or**  
9 **contractor or employee of a contractor who is authorized to**  
10 **receive reports of a crime, knowing the report is false, is**

House Bill No. 5026, as amended April 28, 2004

1 guilty of a crime as follows:

2 (a) If the report is a false report of a misdemeanor, the  
3 person is guilty of a misdemeanor punishable by imprisonment for  
4 not more than 93 days or a fine of not more than \$500.00, or  
5 both.

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

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

10 (a) Knowingly make a false report of a violation or attempted  
11 violation of chapter XXXIII or section 327, ~~or~~ 328, **397a, or**  
12 **436** and communicate **or cause the communication of** the false  
13 report to any other person, **knowing the report to be false.**

14 (b) Threaten to violate chapter XXXIII or section 327, ~~or~~  
15 328, **397a, or 436** and communicate **or cause the communication of**  
16 the threat to any other person.

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

19 (a) For a first conviction under subsection (2), by  
20 imprisonment for not more than 4 years or a fine of not more than  
21 \$2,000.00, or both.

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

25 (4) The court may order a person convicted under subsection  
26 (2) to pay to the state or a local unit of government the costs  
27 of responding to the false report **<<or threat>>** including, but not  
limited to,

House Bill No. 5026, as amended April 28, 2004

1 use of police or fire emergency response vehicles and teams <<, pursuant  
2 to section 1f of chapter IX of the code of criminal procedure, 1927 PA  
3 175, MCL 769.1f, unless otherwise expressly provided for in this  
4 section>>.

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

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

21 (b) If the court orders a parent to pay costs under  
22 subdivision (a), the court shall take into account the financial  
23 resources of the parent and the burden that the payment of the  
24 costs will impose, with due regard to any other moral or legal  
25 financial obligations that the parent may have. If a parent is  
26 required to pay the costs under subdivision (a), the court shall  
27 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

House Bill No. 5026, as amended April 28, 2004

1 amount of the costs owed by the parent or for a cancellation of  
2 any unpaid portion of the parent's obligation. The court shall  
3 cancel all or part of the parent's obligation due if the court  
4 determines that payment of the amount due will impose a manifest  
5 hardship on the parent.

6 (6) As used in this section:

7 (a) "Local unit of government" means:

8 (i) A city, village, township, or county.

9 (ii) A local or intermediate school district.

10 (iii) A public school academy.

11 (iv) A community college.

12 (b) "State" includes <<, but is not limited to,>> a state  
13 institution of higher  
education.

<<Enacting section 1. This amendatory act takes effect July 1,  
2004.>>