

REVISE DEFINITIONS OF CHILD ABUSE

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House Bill 4738

Sponsor: Rep. William Van Regenmorter

Committee: Judiciary

Complete to 9-13-05

A SUMMARY OF HOUSE BILL 4738 AS INTRODUCED 5-5-05

House Bill 4738 would amend the Michigan Penal Code to revise various degrees of the crime of child abuse.

First Degree. Currently under the law, a person is guilty of child abuse in the first degree if he or she knowingly or intentionally causes serious physical or serious mental harm to a child. Child abuse in the first degree is a felony punishable by imprisonment for not more than 15 years. House 4738 would leave these provisions unchanged.

Second Degree. The law currently states that a person is guilty of child abuse in the second degree, which is a felony punishable by imprisonment for not more than four years, if any of the following apply:

- the person's omission causes serious physical harm or serious mental harm to a child, or if the persons' reckless act causes serious physical harm to a child;
- the person knowingly or intentionally commits an act likely to cause serious physical or mental harm to a child regardless of whether harm results;
- the person knowingly or intentionally commits an act that is cruel to a child regardless of whether harm results.

House Bill 4738 would retain these provisions but modify the first to include a person's reckless act which caused serious physical *or mental harm* to the child. In addition, the bill would add a provision to the crime of child abuse in the second degree, so that the following applied:

- the person knowingly or intentionally committed three or more acts within a 24-month period that caused physical harm to a child. For purposes of this subdivision of the law, the three or more acts would not need to be committed against the same child.

Third Degree. In addition, the law specifies that a person is guilty of child abuse in the third degree, a felony punishable by imprisonment for not more than two years, if a person knowingly or intentionally causes physical harm to a child. House Bill 4738 would retain this provision, and add:

-the person knowingly or intentionally committed an act likely to cause physical harm to a child, and the act resulted in physical harm to a child.

Fourth Degree. Currently under the act, a person is guilty of child abuse in the fourth degree, a misdemeanor punishable by up to one year in prison, if the person's omission or reckless act causes physical harm to a child. House Bill 4738 would retain this provision, and add:

-the person knowingly or intentionally committed an act likely to cause physical harm to a child, regardless of whether physical harm resulted.

MCL 750.136b

Legislative Analyst: J. Hunault

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