

**SUBSTITUTE FOR  
SENATE BILL NO. 74**

A bill to amend 2002 PA 712, entitled  
"Michigan Amber alert act,"  
(MCL 28.751 to 28.753) by amending the title and by adding section  
4.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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**TITLE**

An act to prescribe the Amber alert of Michigan as the official  
response to reports of child abductions; **TO PROHIBIT CERTAIN CONDUCT;**  
**AND TO PRESCRIBE PENALTIES.**

**SEC. 4. (1) A PERSON SHALL NOT INTENTIONALLY MAKE A FALSE REPORT  
OF THE ABDUCTION OF A CHILD, OR INTENTIONALLY CAUSE A FALSE REPORT OF  
THE ABDUCTION OF A CHILD TO BE MADE, TO A PEACE OFFICER, POLICE AGENCY  
OF THIS STATE OR OF A LOCAL UNIT OF GOVERNMENT, 9-1-1 OPERATOR, OR ANY**

1 OTHER GOVERNMENTAL EMPLOYEE OR CONTRACTOR OR EMPLOYEE OF A CONTRACTOR  
2 WHO IS AUTHORIZED TO RECEIVE THE REPORT, KNOWING THE REPORT IS FALSE.  
3 A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY PUNISHABLE  
4 BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN  
5 \$2,000.00, OR BOTH.

6 (2) A PERSON SHALL NOT INTENTIONALLY MAKE A FALSE REPORT THAT  
7 A CHILD IS MISSING WHO SUFFERS FROM SEVERE MENTAL OR PHYSICAL  
8 DISABILITY THAT GREATLY IMPAIRS THE CHILD'S ABILITY TO CARE FOR  
9 HIMSELF OR HERSELF, OR INTENTIONALLY CAUSE SUCH A REPORT TO BE  
10 MADE, TO A PEACE OFFICER, POLICE AGENCY OF THIS STATE OR OF A LOCAL  
11 UNIT OF GOVERNMENT, 9-1-1 OPERATOR, OR ANY OTHER GOVERNMENTAL  
12 EMPLOYEE OR CONTRACTOR OR EMPLOYEE OF A CONTRACTOR WHO IS  
13 AUTHORIZED TO RECEIVE THE REPORT, KNOWING THE REPORT IS FALSE. A  
14 PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR  
15 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF  
16 NOT MORE THAN \$1,000.00, OR BOTH.

17 (3) THE COURT MAY ORDER A PERSON CONVICTED UNDER THIS SECTION  
18 TO PAY TO THE STATE OR A LOCAL UNIT OF GOVERNMENT AND THE MEDIA THE  
19 COSTS OF RESPONDING TO THE FALSE REPORT OR THREAT INCLUDING, BUT  
20 NOT LIMITED TO, USE OF POLICE OR FIRE EMERGENCY RESPONSE VEHICLES  
21 AND TEAMS, PURSUANT TO SECTION 1F OF CHAPTER IX OF THE CODE OF  
22 CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1F, UNLESS OTHERWISE  
23 EXPRESSLY PROVIDED FOR IN THIS SECTION.

24 (4) IF THE PERSON ORDERED TO PAY COSTS UNDER SUBSECTION (3) IS  
25 A JUVENILE UNDER THE JURISDICTION OF THE FAMILY DIVISION OF THE  
26 CIRCUIT COURT UNDER CHAPTER 10 OF THE REVISED JUDICATURE ACT OF  
27 1961, 1961 PA 236, MCL 600.1001 TO 600.1043, ALL OF THE FOLLOWING

1 APPLY:

2 (A) IF THE COURT DETERMINES THAT THE JUVENILE IS OR WILL BE  
3 UNABLE TO PAY ALL OF THE COSTS ORDERED, AFTER NOTICE TO THE  
4 JUVENILE'S PARENT OR PARENTS AND AN OPPORTUNITY FOR THE PARENT OR  
5 PARENTS TO BE HEARD, THE COURT MAY ORDER THE PARENT OR PARENTS  
6 HAVING SUPERVISORY RESPONSIBILITY FOR THE JUVENILE, AT THE TIME OF  
7 THE ACTS UPON WHICH THE ORDER IS BASED, TO PAY ANY PORTION OF THE  
8 COSTS ORDERED THAT IS OUTSTANDING. AN ORDER UNDER THIS SUBSECTION  
9 DOES NOT RELIEVE THE JUVENILE OF HIS OR HER OBLIGATION TO PAY THE  
10 COSTS AS ORDERED, BUT THE AMOUNT OWED BY THE JUVENILE SHALL BE  
11 OFFSET BY ANY AMOUNT PAID BY HIS OR HER PARENT. AS USED IN THIS  
12 SUBSECTION, "PARENT" DOES NOT INCLUDE A FOSTER PARENT.

13 (B) IF THE COURT ORDERS A PARENT TO PAY COSTS UNDER  
14 SUBDIVISION (A), THE COURT SHALL TAKE INTO ACCOUNT THE FINANCIAL  
15 RESOURCES OF THE PARENT AND THE BURDEN THAT THE PAYMENT OF THE  
16 COSTS WILL IMPOSE, WITH DUE REGARD TO ANY OTHER MORAL OR LEGAL  
17 FINANCIAL OBLIGATIONS THAT THE PARENT MAY HAVE. IF A PARENT IS  
18 REQUIRED TO PAY THE COSTS UNDER SUBDIVISION (A), THE COURT SHALL  
19 PROVIDE FOR PAYMENT TO BE MADE IN SPECIFIED INSTALLMENTS AND WITHIN  
20 A SPECIFIED PERIOD OF TIME.

21 (C) A PARENT WHO HAS BEEN ORDERED TO PAY THE COSTS UNDER  
22 SUBDIVISION (A) MAY PETITION THE COURT FOR A MODIFICATION OF THE  
23 AMOUNT OF THE COSTS OWED BY THE PARENT OR FOR A CANCELLATION OF ANY  
24 UNPAID PORTION OF THE PARENT'S OBLIGATION. THE COURT SHALL CANCEL  
25 ALL OR PART OF THE PARENT'S OBLIGATION DUE IF THE COURT DETERMINES  
26 THAT PAYMENT OF THE AMOUNT DUE WILL IMPOSE A MANIFEST HARDSHIP ON  
27 THE PARENT.

Senate Bill No. 74 (S-1) as amended October 6, 2005

1 (5) AS USED IN THIS SECTION:

2 (A) "LOCAL UNIT OF GOVERNMENT" MEANS:

3 (i) A CITY, VILLAGE, TOWNSHIP, OR COUNTY.

4 (ii) A LOCAL OR INTERMEDIATE SCHOOL DISTRICT.

5 (iii) A PUBLIC SCHOOL ACADEMY.

6 (iv) A COMMUNITY COLLEGE.

7 (B) "STATE" INCLUDES, BUT IS NOT LIMITED TO, A STATE

8 INSTITUTION OF HIGHER EDUCATION.

[Enacting section 1. This amendatory act takes effect February 1, 2006.]