

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

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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.

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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

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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.

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.