SUBSTITUTE FOR

HOUSE BILL NO. 4872

A bill to amend 1931 PA 328, entitled

"The Michigan penal code,"

(MCL 750.1 to 750.568) by adding section 135a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 135A. (1) A PERSON WHO IS RESPONSIBLE FOR THE CARE OR

2 WELFARE OF A CHILD SHALL NOT LEAVE THAT CHILD UNATTENDED IN A

3 VEHICLE FOR A PERIOD OF TIME THAT POSES AN UNREASONABLE RISK OF

4 HARM OR INJURY TO THE CHILD OR UNDER CIRCUMSTANCES THAT POSE AN

5 UNREASONABLE RISK OF HARM OR INJURY TO THE CHILD.

6 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS

7 FOLLOWS:

8 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) TO (D),

9 THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT

10 FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN $500.00, OR

11 BOTH.

House Bill 4872 as amended December 10, 2008

1   (B) IF THE VIOLATION RESULTS IN PHYSICAL HARM OTHER THAN

2   SERIOUS PHYSICAL HARM TO THE CHILD, THE PERSON IS GUILTY OF A

3   MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR

4   A FINE OF NOT MORE THAN $1,000.00, OR BOTH.

5   (C) IF THE VIOLATION RESULTS IN SERIOUS PHYSICAL HARM TO THE

6   CHILD, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT

7   FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE THAN $5,000.00, OR

8   BOTH.

9   (D) IF THE VIOLATION RESULTS IN THE DEATH OF THE CHILD, THE

10   PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT

11   MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN $10,000.00, OR BOTH.

12   (3) AS USED IN THIS SECTION:

13   (A) "CHILD" MEANS AN INDIVIDUAL LESS THAN 6 YEARS OF AGE.

14   (B) "PHYSICAL HARM" AND "SERIOUS PHYSICAL HARM" MEAN THOSE

15   TERMS AS DEFINED IN SECTION 136B.

16   (C) "UNATTENDED" MEANS ALONE OR WITHOUT THE SUPERVISION OF AN

17   INDIVIDUAL 13 YEARS OF AGE OR OLDER WHO IS NOT LEGALLY

18   INCAPACITATED.

19   (D) "VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 79 OF THE

20   MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.79.

21   Enacting section 1. This amendatory act takes effect **<<April 1,**

22   **2009.>>**