



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 580 (Substitute S-1)
Senate Bill 626 (Substitute S-1)
Sponsor: Senator Tom Casperson (S.B. 580)
Senator Tory Rocca (S.B. 626)
Committee: Judiciary

(as passed by the Senate)
(as passed by the Senate)

Date Completed: 9-27-11

CONTENT

Senate Bill 580 (S-1) would amend the Michigan Penal Code to prescribe a felony penalty for failing to report immediately to a police agency that a child under the age of 13 was missing.

Senate Bill 626 (S-1) would amend the Code of Criminal Procedure to include the felony proposed by Senate Bill 580 (S-1) in the sentencing guidelines.

The bills are tie-barred.

Senate Bill 580 (S-1)

The bill would require an individual who was responsible for the care of a child, and who knew or had reason to know that the child was missing, to report immediately to a police agency that the child was missing. For purposes of this requirement, an individual would have reason to know the child was missing if he or she did not know the location of the child and had not been in contact with the child within a 24-hour period. ("Child" would mean an individual less than 13 years of age.)

The requirement to report a missing child immediately would not apply if either of the following conditions existed:

- The child went missing while under the care of another person who was required by law to report the child's absence.
- The individual was unable to report the child as missing, if he or she immediately reported the child as missing when able to do so.

The requirement to report a missing child would be met if the individual contacted a 9-1-1 emergency operator, reported the child as missing, and provided his or her own name and address to the operator.

Failing to report a child as missing, as required by the bill, would be a felony punishable by up to two years' imprisonment, a maximum fine of \$5,000, or both.

The section of the Penal Code proposed by the bill would be known and could be cited as "Caylee Anthony's Law".

Senate Bill 626 (S-1)

Under the bill, failing to report a missing child would be included in the sentencing guidelines as a Class G felony against a person, with a statutory maximum penalty of two years' imprisonment.

Proposed MCL 750.145e (S.B. 580)
MCL 777.16g (S.B. 626)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. An offender convicted of the Class G offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 7-23 months, with a maximum sentence of two years. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$35,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.