

HOUSE BILL No. 5431

February 23, 2012, Introduced by Reps. Heise and Hughes and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 411a (MCL 750.411a), as amended by 2004 PA 104.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 411a. (1) Except as provided in ~~subsection~~ **SUBSECTIONS**
2 (2) **AND (4)**, a person who intentionally makes a false report of the
3 commission of a crime, or intentionally causes a false report of
4 the commission of a crime to be made, to a peace officer, police
5 agency of this state or of a local unit of government, 9-1-1
6 operator, or any other governmental employee or contractor or
7 employee of a contractor who is authorized to receive reports of a
8 crime, knowing the report is false, is guilty of a crime as
9 follows:

10 (a) If the report is a false report of a misdemeanor, the
11 person is guilty of a misdemeanor punishable by imprisonment for

1 not more than 93 days or a fine of not more than \$500.00, or both.

2 (b) If the report is a false report of a felony, the person is
3 guilty of a felony punishable by imprisonment for not more than 4
4 years or a fine of not more than \$2,000.00, or both.

5 (2) A person shall not do either of the following:

6 (a) Knowingly make a false report of a violation or attempted
7 violation of chapter XXXIII or section 327, 328, 397a, or 436 and
8 communicate or cause the communication of the false report to any
9 other person, knowing the report to be false.

10 (b) Threaten to violate chapter XXXIII or section 327, 328,
11 397a, or 436 and communicate or cause the communication of the
12 threat to any other person.

13 (3) ~~A-EXCEPT AS PROVIDED IN SUBSECTION (4),~~ A person who
14 violates subsection (2) is guilty of a felony punishable as
15 follows:

16 (a) For a first conviction under subsection (2), by
17 imprisonment for not more than 4 years or a fine of not more than
18 \$2,000.00, or both.

19 (b) For a second or subsequent conviction under subsection
20 (2), imprisonment for not more than 10 years or a fine of not more
21 than \$5,000.00, or both.

22 (4) **A PERSON SHALL NOT INTENTIONALLY MAKE A FALSE REPORT OF A**
23 **MEDICAL OR OTHER EMERGENCY TO A PEACE OFFICER, POLICE AGENCY OF**
24 **THIS STATE OR OF A LOCAL UNIT OF GOVERNMENT, FIREFIGHTER OR FIRE**
25 **DEPARTMENT OF THIS STATE OR A LOCAL UNIT OF GOVERNMENT OF THIS**
26 **STATE, 9-1-1 OPERATOR, MEDICAL FIRST RESPONDER, OR ANY GOVERNMENTAL**
27 **EMPLOYEE OR CONTRACTOR OR EMPLOYEE OF A CONTRACTOR WHO IS**

1 AUTHORIZED TO RECEIVE REPORTS OF MEDICAL OR OTHER EMERGENCIES. A
2 PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A CRIME AS
3 FOLLOWS:

4 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), THE PERSON
5 IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
6 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

7 (B) IF THE FALSE REPORT RESULTS IN A RESPONSE TO ADDRESS THE
8 REPORTED MEDICAL OR OTHER EMERGENCY AND A PERSON IS PHYSICALLY
9 INJURED AS A PROXIMATE RESULT OF LAWFUL CONDUCT ARISING OUT OF THAT
10 RESPONSE, THE PERSON RESPONSIBLE FOR THE FALSE REPORT IS GUILTY OF
11 A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A
12 FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

13 (C) IF THE FALSE REPORT RESULTS IN A RESPONSE TO ADDRESS THE
14 REPORTED MEDICAL OR OTHER EMERGENCY AND A PERSON IS KILLED AS A
15 PROXIMATE RESULT OF LAWFUL CONDUCT ARISING OUT OF THAT RESPONSE,
16 THE PERSON RESPONSIBLE FOR THE FALSE REPORT IS GUILTY OF A FELONY
17 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF
18 NOT LESS THAN \$5,000.00 OR MORE THAN \$10,000.00, OR BOTH.

19 (5) ~~(4)~~—The court may order a person convicted under
20 subsection (2) OR (4) to pay to the state or a local unit of
21 government the costs of responding to the false report or threat
22 including, but not limited to, use of police, ~~ex~~-fire, MEDICAL, OR
23 OTHER emergency response vehicles and teams, ~~pursuant to~~ UNDER
24 section 1f of chapter IX of the code of criminal procedure, 1927 PA
25 175, MCL 769.1f, unless otherwise expressly provided for in this
26 section.

27 (6) ~~(5)~~—If the person ordered to pay costs under subsection

1 ~~(4)~~ (5) is a juvenile under the jurisdiction of the family division
2 of the circuit court under chapter 10 of the revised judicature act
3 of 1961, 1961 PA 236, MCL 600.1001 to 600.1043, all of the
4 following apply:

5 (a) If the court determines that the juvenile is or will be
6 unable to pay all of the costs ordered, after notice to the
7 juvenile's parent or parents and an opportunity for the parent or
8 parents to be heard, the court may order the parent or parents
9 having supervisory responsibility for the juvenile, at the time of
10 the acts upon which the order is based, to pay any portion of the
11 costs ordered that is outstanding. An order under this subsection
12 does not relieve the juvenile of his or her obligation to pay the
13 costs as ordered, but the amount owed by the juvenile shall be
14 offset by any amount paid by his or her parent. As used in this
15 subsection, "parent" does not include a foster parent.

16 (b) If the court orders a parent to pay costs under
17 subdivision (a), the court shall take into account the financial
18 resources of the parent and the burden that the payment of the
19 costs will impose, with due regard to any other moral or legal
20 financial obligations that the parent may have. If a parent is
21 required to pay the costs under subdivision (a), the court shall
22 provide for payment to be made in specified installments and within
23 a specified period of time.

24 (c) A parent who has been ordered to pay the costs under
25 subdivision (a) may petition the court for a modification of the
26 amount of the costs owed by the parent or for a cancellation of any
27 unpaid portion of the parent's obligation. The court shall cancel

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1 all or part of the parent's obligation due if the court determines
2 that payment of the amount due will impose a manifest hardship on
3 the parent.

[(7) A VIOLATION OR ATTEMPTED VIOLATION OF THIS SECTION OCCURS IF
THE COMMUNICATION OF THE FALSE REPORT ORIGINATES IN THIS STATE, IS
INTENDED TO TERMINATE IN THIS STATE, OR IS INTENDED TO TERMINATE WITH A
PERSON WHO IS IN THIS STATE.

(8) A VIOLATION OR ATTEMPTED VIOLATION OF THIS SECTION MAY BE
PROSECUTED IN ANY JURISDICTION IN WHICH THE COMMUNICATION ORIGINATED OR
TERMINATED.

4 (9) ~~(6)~~ As used in this section:

5 (a) "Local unit of government" means:

6 (i) A city, village, township, or county.

7 (ii) A local or intermediate school district.

8 (iii) A public school academy.

9 (iv) A community college.

10 (B) "MEDICAL FIRST RESPONDER" MEANS THAT TERM AS DEFINED IN
11 SECTION 20906 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
12 333.20906.

13 (C) ~~(b)~~ "State" includes, but is not limited to, a state
14 institution of higher education.

15 Enacting section 1. This amendatory act takes effect July 1,
16 2012.