

Legislative Analysis



CAYLEE ANTHONY'S LAW

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 4163 and 4164

Sponsor: Rep. Thomas B. Hooker

Committee: Criminal Justice

Complete to 2-26-13

A SUMMARY OF HOUSE BILLS 4163 AND 4164 AS INTRODUCED 1-31-13

The bills would require that a parent or caregiver of a minor immediately report to the police the death of the minor or if a child is missing, make a violation a felony offense, and place the felony provision within the sentencing guidelines. The new provisions would be known as "Caylee Anthony's Law."

House Bill 4163 would add a new section, entitled Caylee Anthony's Law, to the Michigan Penal Code (750.145e). Under the bill, it would be a felony offense punishable by imprisonment for not more than four years and/or a fine not more than \$5,000 for not immediately reporting the death of a minor or that a child is missing.

Death of a minor. An individual who is responsible for the care of a minor (defined to mean an individual less than 18 years of age) and who knows or has reason to know that the minor has died would have to immediately report the death to a police agency or other emergency service provider. This requirement would not apply if the death occurred while the minor was under the care of another person who is required to report the death or if the individual is unable to immediately report the death, provided that he or she immediately reports the death when able to do so.

Missing child. An individual who is responsible for the care of a child (defined to mean an individual less than 13 years of age) and who knows or has reason to know that the child is missing would have to immediately report that the child is missing to a police agency. For purposes of the bill, an individual would "have reason to know" 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. This would not apply if the individual is unable to immediately report the child as missing, provided he or she immediately reports the child as missing when able to do so.

The reporting requirements for the death of a minor or missing child would be satisfied if the individual who was required to make the report contacted a 9-1-1 emergency operator and reported the minor's death or the child as missing and provided his or her name and address to the emergency operator.

House Bill 4164 would amend the sentencing guidelines within the Code of Criminal Procedure (MCL 777.16g) to specify that failing to report the death of a minor or to

report a missing child would be a Class F felony against a person with a maximum term of imprisonment of four years. The bill is tie-barred to House Bill 4163.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on state and local correctional systems. Information is not available on the number of persons that might be convicted under these provisions. New felony convictions could result in increased costs related to state prisons, county jails, and/or state probation supervision. The average cost of prison incarceration in a state facility is roughly \$35,500 per prisoner per year, a figure that includes various fixed administrative and operational costs. The costs of local incarceration in a county vary by jurisdiction. State costs for parole and felony probation supervision average about \$3,000 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

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