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House Bill 5239 (Substitute H-1 as passed by the House)
Sponsor: Representative Kenneth Kurtz
House Committee: Criminal Justice
Senate Committee: Families, Seniors and Human Services

Date Completed: 5-14-14

CONTENT

The bill would amend the Child Protection Law to require an allegation or report of suspected child abuse involving certain human trafficking violations to be transmitted to a local law enforcement agency.

The bill would take effect 90 days after enactment.

The Law requires medical professionals, marriage therapists, licensed counselors, social workers, social service technicians, school counselors, professionals employed in a Friend of the Court office, school administrators, counselors, teachers, law enforcement officers, members of the clergy, and regulated child care providers who have reasonable cause to suspect child abuse or neglect to make an oral report, or cause an oral report to be made, to the Department of Human Services (DHS). Within 72 hours of making the oral report, the reporting individual is required to file a written report. This requirement extends to certain DHS employees, and employees of organizations that, as a result of Federal funding statutes, regulations, or contracts, would be prohibited from reporting in the absence of a state mandate or court order.

If an allegation, written report, or subsequent investigation of suspected child abuse or child neglect indicates a violation of Section 136b or 145c of the Michigan Penal Code, or a violation of Section 7401c of the Public Health Code involving methamphetamine, or if the allegation, written report, or investigation indicates that the suspected abuse or neglect was committed by an individual who is not a person responsible for the child's health or welfare, e.g., a member of the clergy, a teacher, or teacher's aide, the DHS must transmit a copy of the report or allegation, and the results of any investigation to a law enforcement agency in the county in which the incident occurred. Under the bill, these requirements also would apply to violations of Section 462a through 462h (which comprise the majority of the human trafficking offenses listed under Chapter 67A of the Penal Code).

(Section 136b of the Penal Code relates to child abuse in the first through fourth degree and penalties for those offenses. Section 145c pertains to the production, distribution, possession, or consumption of child sexually abuse material. Section 7401c of the Public Health Code relates to the manufacture of a controlled substance.)

MCL 722.623

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have a minimal fiscal impact on the State and local units of government.

Fiscal Analyst: Frances Carley

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