

HOUSE BILL No. 4972

September 19, 2017, Introduced by Reps. Green, Hertel, Yanez, Moss, VanderWall, Noble, Kesto, Lucido, Wittenberg, Geiss, Robinson, Cochran, Elder, Yaroach, Rabhi, Ellison, Guerra, Chang, LaFave, Lilly, Liberati, Runestad, Lasinski and Jones and referred to the Committee on Judiciary.

A bill to provide protection from civil liability for individuals who take certain actions to prevent harm to minors.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "emergency minor rescue act".

3 Sec. 2. (1) An individual who acts as described in subsection
4 (2) is immune from civil liability for any damage resulting from
5 the forcible entry into a motor vehicle for the purpose of removing
6 a minor from the vehicle.

7 (2) An individual is immune under subsection (1) if all of the
8 following apply:

9 (a) The individual determines that the vehicle is locked and

1 there is otherwise no reasonable method for the minor to exit the
2 vehicle.

3 (b) The individual has a good-faith belief that forcible entry
4 into the vehicle is necessary because the minor is in imminent
5 danger of suffering harm if not immediately removed from the
6 vehicle and, based on the circumstances known to the individual at
7 the time, the belief is reasonable.

8 (c) The individual has contacted either the local law
9 enforcement agency, fire department, or 9-1-1 operator before
10 forcibly entering the vehicle.

11 (d) The individual places a notice on the vehicle's windshield
12 with the individual's contact information, the reason the entry was
13 made, the location of the minor, and a statement that the local
14 authorities have been notified.

15 (e) The individual remains with the minor in a safe location,
16 out of the elements but reasonably close to the vehicle, until a
17 law enforcement, fire, or other emergency responder arrives.

18 (f) The individual does not use any more force to enter the
19 vehicle and remove the minor from the vehicle than is necessary
20 under the circumstances.

21 (3) This section does not affect an individual's civil
22 liability if the individual attempts to render aid to a minor in
23 addition to what is authorized by this section.