



**House
Legislative
Analysis
Section**

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CHILD ABUSE: FIX OBSOLETE REFERENCE

House Bills 4323-4325 as passed by the House
Second Analysis (7-20-89)

Sponsor: Rep. Bart Stupak
Committee: Judiciary

H.B. 4323-5325 (7-20-89)

THE APPARENT PROBLEM:

Public Act 251 of 1988 added to the penal code a new section establishing four degrees of child abuse; previously existing sections prohibiting child cruelty and child torture were repealed. Child torture is among the major crimes for which early parole is prohibited under the section of the corrections code created by Ballot Proposal B of 1978. To be consistent, the law should be amended to include the more serious of the newly-created offenses of child abuse among the offenses for which early parole is prohibited.

In addition, outdated references to the former sections of law continue to exist in portions of the Revised Judicature Act and the juvenile code that make special provision for children's testimony in abuse cases. Those references should be updated to refer to existing law.

THE CONTENT OF THE BILLS:

House Bill 4323 would amend the corrections code, Public Act 232 of 1953, to include child abuse in the first and second degrees in the list of offenses for which early parole is prohibited. (Child abuse in the first degree, a felony punishable by up to 15 years in prison, is the knowing or intentional causing of serious physical or serious mental harm to a child. Child abuse in the second degree, a felony punishable by up to four years in prison, is the knowing or intentional causing of physical harm to a child. Child abuse in the third and fourth degrees, offenses which are not included in the bill, are misdemeanor offenses.)

MCL 791.233b

House Bills 4324 and 4325 would amend the Revised Judicature Act (MCL 600.2163a) and the juvenile code (MCL 712A.233b), respectively, to update references to child abuse offenses.

FISCAL IMPLICATIONS:

The House Fiscal Agency says that the bills would have no fiscal implications. (4-11-89 and 4-20-89)

ARGUMENTS:

For:

The bills would update statutory references to child abuse offenses.

POSITIONS:

The Prosecuting Attorneys Association of Michigan has no objection to the bills. (7-19-89)