



**House
Legislative
Analysis
Section**

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CHILD ABUSE: FIX OBSOLETE REFERENCE

House Bill 4323 with committee amendments
First Analysis (4-12-89)

Sponsor: Rep. Bart Stupak
Committee: Judiciary

RECEIVED

MAY 23 1989

Mich. State Law Library

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establishing four degrees of child abuse; previously existing sections prohibiting child cruelty and child torture were repealed.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.

THE CONTENT OF THE BILL:

The bill 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

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

By updating references to child abuse offenses, the bill would preserve the intent of Ballot Proposal B of 1978 and the law it enacted.

POSITIONS:

The Prosecuting Attorneys Association of Michigan has no objection to the bill. (4-11-89)

H.B. 4323 (4-12-89)