

SFA

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

House Bill 4323, 4324, and 4325 (as reported without amendment)

Sponsor: Representative Bart Stupak

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 12-4-89

RATIONALE

Public Act 251 of 1988 added to the Michigan Penal Code a new section establishing degrees of child abuse and repealed previously existing sections that prohibited child cruelty and child torture. The former child cruelty and torture offense is one of the major crimes for which early parole is prohibited under the section of the Department of Corrections law created by Proposal B of 1978. In addition, the Revised Judicature Act and the juvenile code also contain references to the outdated offenses. Some feel that the law should be updated to refer to the new first and second degree child abuse offenses, rather than the obsolete child cruelty and torture sections.

CONTENT

House Bills 4323, 4324, and 4325 would amend various laws to update references to child abuse offenses. (The bills would make the laws consistent with Public Act 251 of 1988.)

House Bill 4323 would amend the Department of Corrections law to include first and second degree child abuse in the list of offenses for which early parole is prohibited, and to delete a reference to the former child cruelty and torture prohibition. (First degree child abuse, a felony punishable by up to 15 years' imprisonment, is knowingly or intentionally causing serious physical or serious mental harm to a child; second degree child abuse, a felony punishable by up to four years' imprisonment, is knowingly or intentionally causing physical harm to a child.)

House Bill 4324 and House Bill 4325 would amend the Revised Judicature Act and the juvenile code, respectively, to replace references to the former prohibition against child torture and cruelty with references to first and second degree child abuse. The sections that would be amended allow special procedures in court proceedings such as the use of anatomically correct dolls or mannequins to assist certain witnesses and the use of videotape depositions.

MCL 791.233b (H.B. 4323)

600.2163a (H.B. 4324)

712A.17b (H.B. 4325)

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

The bills are necessary in order to incorporate statutory references to current child abuse offenses, rather than obsolete sections of the Michigan Penal Code that were repealed in 1988.

Legislative Analyst: P. Affholter

Fiscal Analyst: W. Burghardt (H.B. 4323)

F. Sanchez (H.B. 4324 & 4325)

H8990\S4323A

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.