

**SENATE BILL NO. 859**

February 3, 1998, Introduced by Senator VAN REGENMORTER and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 135, 136b, and 145a (MCL 750.135, 750.136b, and 750.145a), section 136b as added by 1988 PA 251.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 135. ~~Exposing child with intent to injure or~~  
2 ~~abandon--Any father or mother of~~ A PERSON WHO EXPOSES a child  
3 ~~under the age of~~ LESS THAN 6 years ~~, or any other person who~~  
4 ~~shall expose such child in any~~ OF AGE IN A street, field, house  
5 or other place ~~, with intent to injure or wholly to~~ abandon  
6 ~~it, shall be~~ THAT CHILD IS guilty of A felony ~~, punishable by~~  
7 imprisonment ~~in the state prison~~ FOR not more than 10 years OR  
8 A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

9       Sec. 136b. (1) As used in this section:

1 (a) "Child" means a person who is less than 18 years of age  
2 and ~~is~~ not emancipated by operation of law as provided in  
3 section ~~4(1)~~ 4 of ~~Act No. 293 of the Public Acts of 1968,~~  
4 being section 722.4 of the Michigan Compiled Laws 1968 PA 293,  
5 MCL 722.4.

6 (b) "Omission" means a willful failure to provide the food,  
7 clothing, or shelter necessary for a child's welfare or the will-  
8 ful abandonment of a child.

9 (c) "Person" means a child's parent or guardian or any other  
10 person who cares for, has custody of, or has authority over a  
11 child regardless of the length of time that ~~a~~ THE child is  
12 cared for BY, in the custody of, or subject to the authority of  
13 that person.

14 (d) "Physical harm" means any injury to a child's physical  
15 condition.

16 (e) "Serious physical harm" means an injury of a child's  
17 physical condition or welfare that is not necessarily permanent  
18 but constitutes substantial bodily disfigurement ~~—~~ or seriously  
19 impairs the function of a body organ or limb.

20 (f) "Serious mental harm" means an injury to a child's  
21 mental condition or welfare that is not necessarily permanent but  
22 results in visibly demonstrable manifestations of a substantial  
23 disorder of thought or mood ~~which~~ THAT significantly impairs  
24 judgment, behavior, capacity to recognize reality, or ability to  
25 cope with the ordinary demands of life.

26 (2) A person is guilty of child abuse in the first degree if  
27 the person knowingly or intentionally causes serious physical or

1 serious mental harm to a child. Child abuse in the first degree  
2 is a felony punishable by imprisonment for not more than 15 years  
3 OR A FINE OF NOT MORE THAN \$7,500.00, OR BOTH.

4 (3) A person is guilty of child abuse in the second degree  
5 if the person's omission causes serious physical harm or serious  
6 mental harm to a child or if the person's reckless act causes  
7 serious physical harm to a child. Child abuse in the second  
8 degree is a felony punishable by imprisonment for not more than 4  
9 years OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

10 (4) A person is guilty of child abuse in the third degree if  
11 the person knowingly or intentionally causes physical harm to a  
12 child. Child abuse in the third degree is a misdemeanor punish-  
13 able by imprisonment for not more than 2 years OR A FINE OF NOT  
14 MORE THAN \$1,500.00, OR BOTH.

15 (5) A person is guilty of child abuse in the fourth degree  
16 if the person's omission or reckless act causes physical harm to  
17 a child. Child abuse in the fourth degree is a misdemeanor pun-  
18 ishable by imprisonment for not more than 1 year OR A FINE OF NOT  
19 MORE THAN \$1,000.00, OR BOTH.

20 (6) This section ~~shall~~ DOES not ~~be construed to~~ prohibit  
21 a parent or guardian, or other person permitted by law or autho-  
22 rized by the parent or guardian, from taking steps to reasonably  
23 discipline a child, including the use of reasonable force.

24 Sec. 145a. ~~Accosting, enticing or soliciting child. Any~~  
25 A person who ~~shall accost, entice, or solicit~~ ACCOSTS, ENTICES,  
26 OR SOLICITS a child under the age of 16 years with intent to  
27 induce or force ~~said~~ THAT child to commit an immoral act, ~~or~~

1 to submit to an act of sexual intercourse ~~,~~ or ~~an act of~~  
2 gross indecency ~~,~~ or any other act of depravity or delinquency,  
3 or ~~shall suggest~~ SUGGESTS to ~~such~~ THE child any of ~~the~~  
4 ~~aforementioned~~ THOSE acts ~~,~~ ~~shall on conviction thereof be~~  
5 ~~deemed~~ IS guilty of a misdemeanor ~~,~~ punishable by imprisonment  
6 ~~in the county jail~~ for not more than 1 year OR A FINE OF NOT  
7 MORE THAN \$1,000.00, OR BOTH.