

**PROHIBIT LEAVING CHILDREN  
UNATTENDED IN A VEHICLE**

**House Bills 4196 and 4197**  
**Sponsor: Rep. Gloria Schermesser**  
**Committee: Criminal Justice**

**Complete to 4-11-01**

**A SUMMARY OF HOUSE BILL 4196 AND 4197 AS INTRODUCED 3-13-01**

House Bills 4196 and 4197 would add a new section to the Penal Code (MCL 750.135a) and amend the Code of Criminal Procedure (MCL 777.16g), respectively, to make leaving a child unattended in a vehicle a crime. House Bill 4197 is tie-barred to House Bill 4196.

House Bill 4196 would specify that a person who was responsible for the care or welfare of a child could not leave that child unattended in a vehicle. A violation of this provision would be a crime, punishable as follows:

- A person who violated the prohibition would be guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, a fine of not more than \$100, or both.
- If the violation resulted in physical injury, other than serious physical injury, to the child, it would be considered a misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$1,000, or both.
- If the violation resulted in serious physical injury to the child, it would be considered a felony, punishable by imprisonment for not more than ten years, a fine of not more than \$5,000, or both.
- If the violation resulted in the child's death, it would be considered a felony, punishable by imprisonment for up to 15 years, a fine of \$10,000, or both.

Definitions. The bill would define "child" to mean an individual under six years of age; "serious injury" would mean bodily injury that involved unconsciousness, extreme physical pain, protracted and obvious disfigurement, protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death; "unattended" would mean alone or without the supervision of an individual 13 years of age or older who was not legally incapacitated; and "vehicle" would mean that term as it is defined in the Michigan Vehicle Code (MCL 257.79).

House Bill 4197 would add the felonies involving leaving a child unattended in a vehicle to the sentencing guidelines in the Code of Criminal Procedure. Leaving a child unattended in a vehicle resulting in serious physical injury would be a Class D crime against a person with a statutory maximum sentence of 10 years imprisonment. Leaving a child unattended in a vehicle resulting in death would be a Class C crime against a person, with a statutory maximum sentence of 15 years imprisonment.

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