

SUBSTITUTE FOR  
HOUSE BILL NO. 5399

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 411a (MCL 750.411a), as amended by 2000 PA  
370.

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

1       Sec. 411a. (1) Except as provided in subsection (2), a  
2 person who intentionally makes a false report of the commission  
3 of a crime, OR INTENTIONALLY CAUSES A FALSE REPORT OF THE COMMIS-  
4 SION OF A CRIME TO BE MADE, to a ~~member of the Michigan state~~  
5 ~~police, a sheriff or deputy sheriff, a police officer of a city~~  
6 ~~or village, or any other peace officer of this state~~ PEACE OFFI-  
7 CER, POLICE AGENCY OF THIS STATE OR OF A LOCAL UNIT OF GOVERN-  
8 MENT, 9-1-1 OPERATOR, OR ANY OTHER GOVERNMENTAL EMPLOYEE OR  
9 CONTRACTOR OR EMPLOYEE OF A CONTRACTOR WHO IS AUTHORIZED TO

**HB5399, As Passed House, February 14, 2002**

House Bill No. 5399

2

1 RECEIVE REPORTS OF A CRIME, knowing the report is false, is  
2 guilty of a crime as follows:

3 (a) If the report is a false report of a misdemeanor, the  
4 person is guilty of a misdemeanor punishable by imprisonment for  
5 not more than 93 days or a fine of not more than \$100.00, or  
6 both.

7 (b) If the report is a false report of a felony, the person  
8 is guilty of a felony punishable by imprisonment for not more  
9 than 4 years or a fine of not more than \$2,000.00, or both.

10 (2) A person shall not do either of the following:

11 (a) Knowingly make a false report of a violation or  
12 attempted violation of chapter XXXIII or section 327, ~~or~~ 328,  
13 397A, OR 436 and communicate OR CAUSE THE COMMUNICATION OF the  
14 false report to any other person, KNOWING THE REPORT IS FALSE.

15 (b) Threaten to violate chapter XXXIII or section 327, ~~or~~  
16 328, 397A, OR 436 and communicate OR CAUSE THE COMMUNICATION OF  
17 the threat to any other person.

18 (3) A person who violates subsection (2) is guilty of a  
19 felony punishable as follows:

20 (a) For a first conviction under subsection (2), by impris-  
21 onment for not more than 4 years or a fine of not more than  
22 \$2,000.00, or both.

23 (b) For a second or subsequent conviction under subsection  
24 (2), imprisonment for not more than 10 years or a fine of not  
25 more than \$5,000.00, or both.

26 (4) The court may order a person convicted under subsection  
27 (2) to pay to the state or a local unit of government the costs

**HB5399, As Passed House, February 14, 2002**

House Bill No. 5399

3

1 of responding to the false report OR THREAT including, but not  
2 limited to, use of police or fire emergency response vehicles and  
3 teams.

4 (5) If the person ordered to pay costs under subsection (4)  
5 is a juvenile under the jurisdiction of the family division of  
6 the circuit court under chapter 10 of the revised judicature act  
7 of 1961, 1961 PA 236, MCL 600.1001 to 600.1043, all of the fol-  
8 lowing apply:

9 (a) If the court determines that the juvenile is or will be  
10 unable to pay all of the costs ordered, after notice to the  
11 juvenile's parent or parents and an opportunity for the parent or  
12 parents to be heard, the court may order the parent or parents  
13 having supervisory responsibility for the juvenile, at the time  
14 of the acts upon which the order is based, to pay any portion of  
15 the costs ordered that is outstanding. An order under this sub-  
16 section does not relieve the juvenile of his or her obligation to  
17 pay the costs as ordered, but the amount owed by the juvenile  
18 shall be offset by any amount paid by his or her parent. As used  
19 in this subsection, "parent" does not include a foster parent.

20 (b) If the court orders a parent to pay costs under subdivi-  
21 sion (a), the court shall take into account the financial  
22 resources of the parent and the burden that the payment of the  
23 costs will impose, with due regard to any other moral or legal  
24 financial obligations that the parent may have. If a parent is  
25 required to pay the costs under subdivision (a), the court shall  
26 provide for payment to be made in specified installments and  
27 within a specified period of time.

**HB5399, As Passed House, February 14, 2002**

Sub. HB 5399 (H-2) as amended February 13, 2002 4

1 (c) A parent who has been ordered to pay the costs under  
2 subdivision (a) may petition the court for a modification of the  
3 amount of the costs owed by the parent or for a cancellation of  
4 any unpaid portion of the parent's obligation. The court shall  
5 cancel all or part of the parent's obligation due if the court  
6 determines that payment of the amount due will impose a manifest  
7 hardship on the parent.

8 (6) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING  
9 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION  
10 OF LAW THAT IS COMMITTED BY THE INDIVIDUAL WHILE VIOLATING THIS  
11 SECTION.

12 (7) ~~(6)~~ As used in this section:

13 (a) "Local unit of government" means:

14 (i) A city, village, township, or county.

15 (ii) A local or intermediate school district.

16 (iii) A public school academy.

17 (iv) A community college.

18 (b) "State" includes a state institution of higher  
19 education.

[Enacting section 1. This amendatory act takes effect July 1,  
2002.]