

HOUSE BILL No. 4196

February 13, 2001, Introduced by Reps. Schermesser, O'Neil, Plakas, Wojno, Woodward, Jacobs, Anderson, Dennis, Hale, Rivet and Schauer and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 135a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 135A. (1) A PERSON WHO IS RESPONSIBLE FOR THE CARE OR
2 WELFARE OF A CHILD SHALL NOT LEAVE THAT CHILD UNATTENDED IN A
3 VEHICLE.

4 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME
5 AS FOLLOWS:

6 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (B) TO (D),
7 THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT
8 FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR
9 BOTH.

10 (B) IF THE VIOLATION RESULTS IN PHYSICAL INJURY OTHER THAN
11 SERIOUS PHYSICAL INJURY TO THE CHILD, THE PERSON IS GUILTY OF A

1 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR
2 OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

3 (C) IF THE VIOLATION RESULTS IN SERIOUS PHYSICAL INJURY TO
4 THE CHILD, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRIS-
5 ONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE THAN
6 \$5,000.00, OR BOTH.

7 (D) IF THE VIOLATION RESULTS IN THE DEATH OF THE CHILD, THE
8 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
9 MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR
10 BOTH.

11 (3) AS USED IN THIS SECTION:

12 (A) "CHILD" MEANS AN INDIVIDUAL LESS THAN 6 YEARS OF AGE.

13 (B) "SERIOUS INJURY" MEANS BODILY INJURY THAT INVOLVES
14 UNCONSCIOUSNESS, EXTREME PHYSICAL PAIN, PROTRACTED AND OBVIOUS
15 DISFIGUREMENT, PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION OF A
16 BODILY MEMBER, ORGAN, OR MENTAL FACULTY, OR A SUBSTANTIAL RISK OF
17 DEATH.

18 (C) "UNATTENDED" MEANS ALONE OR WITHOUT THE SUPERVISION OF
19 AN INDIVIDUAL 13 YEARS OF AGE OR OLDER WHO IS NOT LEGALLY
20 INCAPACITATED.

21 (D) "VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 79 OF
22 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.79.