

SENATE BILL No. 950

December 11, 2001, Introduced by Senator EMMONS and referred to the Committee on Judiciary.

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 to a member of the Michigan state police, a sheriff or
4 deputy sheriff, a police officer of a city or village, or any
5 other peace officer of this state knowing the report is false is
6 guilty of a crime as follows:

7 (a) If the report is a false report of a misdemeanor, the
8 person is guilty of a misdemeanor punishable by imprisonment for
9 not more than 93 days or a fine of not more than \$100.00, or
10 both.

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

4 (2) A person shall not do ~~either~~ ANY of the following:

5 (a) Knowingly make a false report of a violation or
 6 attempted violation of chapter XXXIII or section 327 or 328 and
 7 communicate the false report to any other person.

8 (b) Threaten to violate chapter XXXIII or section 327 or 328
 9 and communicate the threat to any other person.

10 (C) KNOWINGLY MAKE A FALSE REPORT OF A VIOLATION OR
 11 ATTEMPTED VIOLATION OF CHAPTER LXXXIII-A AND COMMUNICATE THE
 12 FALSE REPORT TO ANY OTHER PERSON.

13 (D) THREATEN TO VIOLATE CHAPTER LXXXIII-A AND COMMUNICATE
 14 THE THREAT TO ANY OTHER PERSON.

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

17 (a) For a first conviction under subsection ~~-(2)-~~ (2)(A) OR
 18 (B), by imprisonment for not more than ~~4~~ 5 years or a fine of
 19 not more than ~~-\$2,000.00-~~ \$5,000.00, or both.

20 (b) For a second or subsequent conviction under subsection
 21 ~~-(2)-~~ (2)(A) OR (B), imprisonment for not more than 10 years or a
 22 fine of not more than ~~-\$5,000.00-~~ \$10,000.00, or both.

23 (C) FOR A CONVICTION UNDER SUBSECTION (2)(C) OR (D), BY
 24 IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE
 25 THAN \$20,000.00, 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

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

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

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

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

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) As used in this section:

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

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

11 (ii) A local or intermediate school district.

12 (iii) A public school academy.

13 (iv) A community college.

14 (b) "State" includes a state institution of higher
15 education.