

# HOUSE BILL NO. 4599

May 15, 2019, Introduced by Reps. Reilly, LaFave, Cynthia Johnson and Yaroch 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 2012 PA 330.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 411a. (1) Except as otherwise provided in subsections  
2           (2), ~~and~~ (3), **(5), and (6)**, a person who intentionally makes a  
3           false report of the commission of a crime, or intentionally causes  
4           a false report of the commission of a crime to be made, to a peace



1 officer, police agency of this state or of a local unit of  
2 government, 9-1-1 operator, or any other governmental employee or  
3 contractor or employee of a contractor who is authorized to receive  
4 reports of a crime, knowing the report is false, is guilty of a  
5 crime as follows:

6 (a) Except as provided in subdivisions (b) through (e), if the  
7 report is a false report of a misdemeanor, the person is guilty of  
8 a misdemeanor punishable by imprisonment for not more than 93 days  
9 or a fine of not more than \$500.00, or both.

10 (b) Except as provided in subdivisions (c) through (e), if the  
11 report is a false report of a felony, the person is guilty of a  
12 felony punishable by imprisonment for not more than 4 years or a  
13 fine of not more than \$2,000.00, or both.

14 (c) Except as provided in subdivisions (d) and (e), if the  
15 false report results in a response to address the reported crime  
16 and a person incurs physical injury as a proximate result of lawful  
17 conduct arising out of that response, the person responsible for  
18 the false report is guilty of a felony punishable by imprisonment  
19 for not more than 5 years or a fine of not more than \$20,000.00, or  
20 both.

21 (d) If the false report results in a response to address the  
22 reported crime and a person incurs serious impairment of a body  
23 function as a proximate result of lawful conduct arising out of  
24 that response, the person responsible for the false report is  
25 guilty of a felony punishable by imprisonment for not more than 10  
26 years or a fine of not more than \$25,000.00, or both.

27 (e) If the false report results in a response to address the  
28 reported crime and a person is killed as a proximate result of  
29 lawful conduct arising out of that response, the person responsible



1 for the false report is guilty of a felony punishable by  
2 imprisonment for not more than 15 years or a fine of not less than  
3 \$25,000.00 or more than \$50,000.00, or both.

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

5 (a) Knowingly make a false report of a violation or attempted  
6 violation of chapter XXXIII or section 327, 328, 397a, or 436 and  
7 communicate or cause the communication of the false report to any  
8 other person, knowing the report to be false.

9 (b) Threaten to violate chapter XXXIII or section 327, 328,  
10 397a, or 436 and communicate or cause the communication of the  
11 threat to any other person.

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

14 (a) Subject to subsection (1)(c) through (e), for a first  
15 conviction under subsection (2), by imprisonment for not more than  
16 4 years or a fine of not more than \$2,000.00, or both.

17 (b) Subject to subsection (1)(d) and (e), for a second or  
18 subsequent conviction under subsection (2), imprisonment for not  
19 more than 10 years or a fine of not more than \$5,000.00, or both.

20 (4) A person shall not intentionally make or intentionally  
21 cause to be made a false report of a medical or other emergency to  
22 a peace officer, police agency of this state or of a local unit of  
23 government, firefighter or fire department of this state or a local  
24 unit of government of this state, 9-1-1 operator, medical first  
25 responder, or any governmental employee or contractor or employee  
26 of a contractor who is authorized to receive reports of medical or  
27 other emergencies. A person who violates this subsection is guilty  
28 of a crime as follows:

29 (a) Except as provided in subdivisions (b) through (d), the



1 person is guilty of a misdemeanor punishable by imprisonment for  
2 not more than 93 days or a fine of not more than \$500.00, or both.

3 (b) Except as provided in subdivisions (c) and (d), if the  
4 false report results in a response to address the reported medical  
5 or other emergency and a person incurs physical injury as a  
6 proximate result of lawful conduct arising out of that response,  
7 the person responsible for the false report is guilty of a felony  
8 punishable by imprisonment for not more than 5 years or a fine of  
9 not more than \$20,000.00, or both.

10 (c) If the false report results in a response to address the  
11 reported medical or other emergency and a person incurs serious  
12 impairment of a body function as a proximate result of lawful  
13 conduct arising out of that response, the person responsible for  
14 the false report is guilty of a felony punishable by imprisonment  
15 for not more than 10 years or a fine of not more than \$25,000.00,  
16 or both.

17 (d) If the false report results in a response to address the  
18 reported ~~crime~~ **medical or other emergency** and a person is killed as  
19 a proximate result of lawful conduct arising out of that response,  
20 the person responsible for the false report is guilty of a felony  
21 punishable by imprisonment for not more than 15 years or a fine of  
22 not less than \$25,000.00 or more than \$50,000.00, or both.

23 (5) **A person who intentionally makes a false report of a**  
24 **serious law enforcement emergency, or intentionally causes a false**  
25 **report of a serious law enforcement emergency to be made, to a**  
26 **peace officer, police agency of this state or of a local unit of**  
27 **government, 9-1-1 operator, or any other governmental employee or**  
28 **contractor or employee of a contractor who is authorized to receive**  
29 **reports of a serious law enforcement emergency, to which all of the**



1 following apply is guilty of a felony punishable by imprisonment  
2 for life or any term of years:

3 (a) The report alleges that the serious law enforcement  
4 emergency is taking place at a specific residence in this state.

5 (b) The person making or causing the report of the serious law  
6 enforcement emergency to be made knows the report is false.

7 (c) The report of the serious law enforcement emergency is  
8 made with the intent of summoning the response of armed law  
9 enforcement officers to the specific residence.

10 (6) If a violation of subsection (5) results in a law  
11 enforcement response to a residence and a person is killed at that  
12 residence as a proximate result arising out of that response, the  
13 person responsible for the report is guilty of a felony and shall  
14 be punished by imprisonment for life without eligibility for  
15 parole.

16 (7) Subsections (5) and (6) do not affect or limit any  
17 possible criminal or civil liability of a law enforcement officer  
18 who causes the death of or maims an individual because of a  
19 violation of subsection (5) or (6).

20 (8) ~~(5)~~—The court may order a person convicted under  
21 subsection (2) or (4) to pay to the state or a local unit of  
22 government the costs of responding to the false report or threat  
23 including, but not limited to, use of police, fire, medical, or  
24 other emergency response vehicles and teams, under section 1f of  
25 chapter IX of the code of criminal procedure, 1927 PA 175, MCL  
26 769.1f, unless otherwise expressly provided for in this section.

27 (9) ~~(6)~~—If the person ordered to pay costs under subsection  
28 ~~(5)~~ (8) is a juvenile under the jurisdiction of the family division  
29 of the circuit court under chapter 10 of the revised judicature act

1 of 1961, 1961 PA 236, MCL 600.1001 to 600.1043, all of the  
 2 following apply:

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

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

22 (c) A parent who has been ordered to pay the costs under  
 23 subdivision (a) may petition the court for a modification of the  
 24 amount of the costs owed by the parent or for a cancellation of any  
 25 unpaid portion of the parent's obligation. The court shall cancel  
 26 all or part of the parent's obligation due if the court determines  
 27 that payment of the amount due will impose a manifest hardship on  
 28 the parent.

29 (10) ~~(7)~~A violation or attempted violation of this section



1 occurs if the communication of the false report originates in this  
2 state, is intended to terminate in this state, or is intended to  
3 terminate with a person who is in this state.

4 **(11)** ~~(8)~~—A violation or attempted violation of this section  
5 may be prosecuted in any jurisdiction in which the communication  
6 originated or terminated.

7 **(12)** ~~(9)~~—As used in this section:

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

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

10 (ii) A local or intermediate school district.

11 (iii) A public school academy.

12 (iv) A community college.

13 (b) "Medical first responder" means that term as defined in  
14 section 20906 of the public health code, 1978 PA 368, MCL  
15 333.20906.

16 (c) "Serious impairment of a body function" means that term as  
17 defined in section 395.

18 **(d) "Serious law enforcement emergency" means a situation in**  
19 **which a law enforcement officer or agency would have reasonable**  
20 **expectation of encountering armed resistance, including, but not**  
21 **limited to, an active shooter, barricaded gunman, or hostage**  
22 **situation.**

23 **(e)** ~~(d)~~—"State" includes, but is not limited to, a state  
24 institution of higher education.

25 Enacting section 1. This amendatory act takes effect 90 days  
26 after the date it is enacted into law.

