

HOUSE BILL No. 4890

May 30, 1991, Introduced by Rep. Varga and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 136c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 136c to read as follows:

4 SEC. 136C. (1) A CLERGYPERSON WHO ADVISES, PERSUADES,
5 INDUCES, ENTICES, COERCES, OR SOLICITS OR WHO ATTEMPTS TO ADVISE,
6 PERSUADE, INDUCE, ENTICE, COERCE, OR SOLICIT A PERSON RESPONSIBLE
7 FOR A CHILD'S WELFARE TO WILLFULLY FAIL TO PROVIDE MEDICAL CARE
8 NECESSARY FOR THE CHILD'S WELFARE IS GUILTY OF A CRIME AS
9 FOLLOWS:

1 (A) IF THE FAILURE TO PROVIDE MEDICAL CARE CAUSES OR COULD
2 REASONABLY BE EXPECTED TO CAUSE SERIOUS PHYSICAL HARM OR SERIOUS
3 MENTAL HARM TO THE CHILD, A FELONY PUNISHABLE BY IMPRISONMENT FOR
4 NOT MORE THAN 4 YEARS.

5 (B) IF THE FAILURE TO PROVIDE MEDICAL CARE CAUSES OR COULD
6 REASONABLY BE EXPECTED TO CAUSE PHYSICAL HARM TO THE CHILD, A
7 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR.

8 (2) AS USED IN THIS SECTION:

9 (A) "CHILD" MEANS A PERSON WHO IS LESS THAN 18 YEARS OF AGE
10 AND IS NOT EMANCIPATED AS PROVIDED IN SECTION 4 OF ACT NO. 293 OF
11 THE PUBLIC ACTS OF 1968, BEING SECTION 722.4 OF THE MICHIGAN
12 COMPILED LAWS.

13 (B) "CLERGYPERSON" MEANS AN INDIVIDUAL WHO HOLDS HIMSELF OR
14 HERSELF OUT AS PROVIDING RELIGIOUS OR SPIRITUAL CARE OR GUIDANCE
15 TO OTHER INDIVIDUALS.

16 (C) "PERSON RESPONSIBLE FOR A CHILD'S WELFARE" MEANS A
17 CHILD'S PARENT OR GUARDIAN OR ANY OTHER PERSON WHO CARES FOR, HAS
18 CUSTODY OF, OR HAS AUTHORITY OVER A CHILD REGARDLESS OF THE
19 LENGTH OF TIME THAT A CHILD IS CARED FOR, IN THE CUSTODY OF, OR
20 SUBJECT TO THE AUTHORITY OF THAT PERSON.

21 (D) "PHYSICAL HARM" MEANS ANY INJURY TO A CHILD'S PHYSICAL
22 CONDITION.

23 (E) "SERIOUS PHYSICAL HARM" MEANS AN INJURY OF A CHILD'S
24 PHYSICAL CONDITION OR WELFARE THAT IS NOT NECESSARILY PERMANENT
25 BUT CONSTITUTES SUBSTANTIAL BODILY DISFIGUREMENT, OR SERIOUSLY
26 IMPAIRS THE FUNCTION OF A BODY ORGAN OR LIMB.

1 (F) "SERIOUS MENTAL HARM" MEANS AN INJURY TO A CHILD'S
2 MENTAL CONDITION OR WELFARE THAT IS NOT NECESSARILY PERMANENT BUT
3 RESULTS IN VISIBLY DEMONSTRABLE MANIFESTATIONS OF A SUBSTANTIAL
4 DISORDER OF THOUGHT OR MOOD WHICH SIGNIFICANTLY IMPAIRS JUDGMENT,
5 BEHAVIOR, CAPACITY TO RECOGNIZE REALITY, OR ABILITY TO COPE WITH
6 THE ORDINARY DEMANDS OF LIFE.