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Senate Bill 580 (Substitute S-1 as reported)
Senate Bill 626 (Substitute S-1 as reported)
Sponsor: Senator Tom Casperson (S.B. 580)
Senator Tory Rocca (S.B. 626)
Committee: Judiciary

CONTENT

Senate Bill 580 (S-1) would amend the Michigan Penal Code to require an individual who was responsible for the care of a child, and who knew or had reason to know that the child was missing, to report immediately to a police agency that the child was missing. For purposes of this requirement, an individual would have reason to know the child was missing if he or she did not know the location of the child and had not been in contact with the child within a 24-hour period. ("Child" would mean an individual less than 13 years of age.)

The requirement to report a missing child immediately would not apply if the child went missing while under the care of another person who was required by law to report the child's absence. The requirement also would not apply if the individual were unable to report the child as missing, but immediately reported the child as missing when able to do so.

The requirement would be met if the individual contacted a 9-1-1 emergency operator, reported the child as missing, and provided his or her own name and address to the operator.

Failing to report a child as missing, as required by the bill, would be a felony punishable by up to two years' imprisonment, a maximum fine of \$5,000, or both.

The proposed section of the Penal Code would be named "Caylee Anthony's Law".

Senate Bill 626 (S-1) would amend the Code of Criminal Procedure to include the felony proposed by Senate Bill 580 (S-1) in the sentencing guidelines. Failing to report a missing child would be a Class G felony against a person, with a statutory maximum penalty of two years' imprisonment.

The bills are tie-barred.

Proposed MCL 750.145e (S.B. 580)
MCL 777.16g (S.B. 626)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. An

offender convicted of the Class G offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 7-23 months, with a maximum sentence of two years. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$35,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 9-28-11

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.