



Senate Fiscal Agency
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 BILL ANALYSIS

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House Bill 5562 (as reported by the Committee of the Whole)
House Bill 5563 (as reported by the Committee of the Whole)
Sponsor: Representative Matt Lori (H.B. 5562)
Representative Joseph Graves (H.B. 5563)
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

House Bill 5562 would amend the Michigan Penal Code to increase the penalties for first- and second-degree child abuse, and establish new penalties for first-, second-, and third-degree child abuse committed in the presence of another child. The changes proposed by the bill would be named "Dominick's Law".

Under the Penal Code, a person is guilty of first-degree child abuse if he or she knowingly or intentionally causes serious physical or serious mental harm to a child. The offense is a felony punishable by up to 15 years' imprisonment. Under the bill, first-degree child abuse would be punishable by imprisonment for life or any term of years.

A person is guilty of second-degree child abuse if any of the following apply:

- His or her omission causes serious physical harm or serious mental harm to a child, or his or her reckless act causes serious physical harm or serious mental harm to a child.
- He or she knowingly or intentionally commits an act likely to cause serious physical or mental harm to a child, regardless of whether harm results.
- He or she knowingly or intentionally commits an act that is cruel to a child, regardless of whether harm results.

Second-degree child abuse is a felony punishable by up to four years' imprisonment. Under the bill, second-degree child abuse would be punishable by up to 10 years' imprisonment for a first offense, and up to 20 years' imprisonment for a second or subsequent offense.

Under the bill, a person who committed child abuse in the presence of a child other than the victim would be guilty of a felony punishable as shown in Table 1.

Table 1

Child Abuse Offense	Penalty
First-degree	Life or any term of years
Second-degree	Up to 10 years
Second-degree (subsequent offense)	Up to 20 years
Third-degree	Up to 2 years

House Bill 5563 would amend the Code of Criminal Procedure to revise the sentencing guidelines for first- and second-degree child abuse and include in the guidelines the penalties for first-, second-, and third-degree child abuse in the presence of another child, as proposed by House Bill 5562, as shown in Table 2.

Table 2

Child Abuse Offense	Felony Class & Category		Stat. Max. Sentence	
	Current	Proposed	Current	Proposed
First-degree	B-Person	A-Person	15 years	Life
Second-degree	F-Person	C-Person	4 years	10 years
Second-degree (subsequent offense)	N/A	B-Person	N/A	20 years
First-degree in presence of another child	N/A	A-Person	N/A	Life
Second-degree in presence of another child	N/A	D-Person	N/A	10 years
Second-degree in presence of another child (subsequent offense)	N/A	B-Person	N/A	20 years
Third-degree in presence of another child	N/A	G-Person	N/A	2 years
N/A = Not applicable				

House Bill 5563 is tie-barred to House Bill 5562.

The bills would take effect on July 1, 2012.

MCL 750.136b et al. (H.B. 5562)
777.16g (H.B. 5563)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. By raising the felony class of first- and second-degree child abuse from Class B to Class A and from Class F to Class C, respectively, and by increasing the maximum sentences to life and 10 years, respectively, (or 20 years for a repeat second-degree offense) the bills could result in increased incarceration costs for State and local governments. The increased incarceration costs would result both from more offenders being sentenced to imprisonment (as opposed to an alternative punishment such as probation) and from those imprisoned serving longer terms. Incarceration costs at State prisons average approximately \$34,000 per inmate per year, while costs in local jails vary by county.

Date Completed: 6-14-12

Fiscal Analyst: Dan O'Connor

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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.