

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 315 (as introduced 2-16-99)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

Date Completed: 3-10-99

CONTENT

The bill would amend the Michigan Penal Code's child abuse provisions to expand the definition of "serious physical harm" to include a fracture of a rib, the skull, or the spine. Currently, "serious physical harm" means "an injury of a child's physical condition or welfare that is not necessarily permanent but constitutes substantial bodily disfigurement, or seriously impairs the function of a body organ or limb".

Under the Code, first-degree child abuse, which is a felony punishable by up to 15 years' imprisonment, is the knowing or intentional causing of serious physical or serious mental harm to a child. Second-degree child abuse, which is a felony punishable by up to four years' imprisonment, is an omission that causes serious physical harm or serious mental harm to a child or a reckless act that causes serious physical harm to a child. ("Serious mental harm" means an injury to a child's mental condition or welfare that is not necessarily permanent but results in visibly demonstrable manifestations of a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life.)

MCL 750.136b

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 315 would have an indeterminate fiscal impact on State government.

In 1997, there were 31 dispositions for first-degree child abuse and 20 dispositions for second-degree child abuse. Of the dispositions for first-degree child abuse, 18 offenders were sentenced to prison, and of the dispositions for second-degree child abuse, four were sentenced to prison. There are no data to indicate how many more people would be convicted given an expanded definition of "serious physical harm".

Fiscal Analyst: K. Firestone

S9900\sb315sa

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.