

SUBSTITUTE FOR
SENATE BILL NO. 1053

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 135 (MCL 750.135).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 135. (1) ~~Exposing child with intent to injure or~~
2 ~~abandon--Any~~ A father or mother of a child under the age of 6
3 years, or ~~any other person who shall expose such~~ ANOTHER INDI-
4 VIDUAL, WHO EXPOSES THE child in any street, field, house, or
5 other place, with intent to injure or wholly to abandon ~~it~~ THE
6 CHILD, ~~shall be~~ IS guilty of A felony, punishable by imprison-
7 ment ~~in the state prison~~ FOR not more than 10 years.

8 (2) EXCEPT FOR A SITUATION INVOLVING ACTUAL OR SUSPECTED
9 CHILD ABUSE OR CHILD NEGLECT, IT IS AN AFFIRMATIVE DEFENSE TO A
10 PROSECUTION UNDER SUBSECTION (1) THAT THE CHILD WAS NOT MORE THAN
11 72 HOURS OLD AND WAS SURRENDERED TO AN EMERGENCY SERVICE PROVIDER

SB 1053, As Passed Senate, May 24, 2000

Senate Bill No. 1053 as amended May 23, 2000

2

1 UNDER CHAPTER XII OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL

2 712.1 TO 712.20. A CRIMINAL INVESTIGATION SHALL NOT BE INITIATED
SOLELY ON THE BASIS OF A NEWBORN BEING SURRENDERED TO AN EMERGENCY
SERVICE PROVIDER UNDER CHAPTER XII OF THE PROBATE CODE OF 1939, 1939
PA 288, MCL 712.1 TO 712.20.

3 (3) AS USED IN THIS SECTION:

4 (A) "EMERGENCY SERVICE PROVIDER" MEANS A UNIFORMED EMPLOYEE
5 OR CONTRACTOR OF A FIRE DEPARTMENT, HOSPITAL, OR POLICE STATION
6 WHEN THAT INDIVIDUAL IS INSIDE THE PREMISES AND ON DUTY.

7 (B) "FIRE DEPARTMENT" MEANS AN ORGANIZED FIRE DEPARTMENT AS
8 THAT TERM IS DEFINED IN SECTION 1 OF THE FIRE PREVENTION CODE,
9 1941 PA 207, MCL 29.1.

10 (C) "HOSPITAL" MEANS A HOSPITAL THAT IS LICENSED UNDER ARTI-
11 CLE 17 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20101 TO
12 333.22260.

13 (D) "POLICE STATION" MEANS A POLICE STATION AS THAT TERM IS
14 DEFINED IN SECTION 43 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
15 MCL 257.43.

16 Enacting section 1. Section 135 of the Michigan penal code,
17 1931 PA 328, MCL 750.135, as amended by this amendatory act, does
18 not apply to a violation of that section committed before the
19 effective date of this amendatory act.

20 Enacting section 2. This amendatory act does not take
21 effect unless Senate Bill No. 1052 of the 90th Legislature is
22 enacted into law.