

HOUSE BILL No. 4711

May 19, 1999, Introduced by Reps. Scranton, Faunce, Wojno, Richner, Kowall and Law and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 411 (MCL 750.411).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 411. (1) ~~Reporting personal injuries by hospitals,~~
2 ~~pharmacies and physicians--It shall be the duty of every~~ A
3 person, firm, or corporation conducting ~~any~~ A hospital or phar-
4 macy in this state, ~~or~~ the person managing or in charge of
5 ~~such~~ A hospital or pharmacy, or THE PERSON in charge of ~~any~~ A
6 ward or part of ~~such~~ A hospital ~~—~~ to which ~~any person~~ 1 or
7 MORE persons COME OR ARE BROUGHT suffering from ~~any~~ A wound or
8 other injury inflicted by means of a knife, gun, pistol, or other
9 deadly weapon, or by other means of violence, ~~shall come or be~~
10 ~~brought,~~ HAS A DUTY to report ~~the same~~ THAT FACT immediately,

1 both by telephone and in writing, to the chief of police or other
2 head of the police force of the village or city in which ~~such~~
3 THE hospital or pharmacy is located, or to the COUNTY sheriff ~~of~~
4 ~~the county, if such~~ IF THE hospital or pharmacy is located out-
5 side the incorporated limits of a village or city. ~~Such~~ THE
6 report shall state the name and residence of ~~such~~ THE person,
7 if known, his OR HER whereabouts, and the character and extent of
8 ~~such~~ THE injuries. ~~It shall also be the duty of every~~

9 (2) A physician ~~,~~ or surgeon ~~,~~ who has under his OR HER
10 charge or care ~~any~~ A person suffering from ~~any~~ A wound or
11 injury ~~,~~ inflicted in the manner ~~above mentioned, to make a~~
12 ~~like report to the appropriate officers hereinabove named~~
13 DESCRIBED IN SUBSECTION (1) HAS A DUTY TO REPORT THAT FACT IN THE
14 SAME MANNER AND TO THE SAME OFFICER AS REQUIRED BY SUBSECTION
15 (1).

16 (3) ~~Any~~ A person, firm, or corporation ~~violating any pro-~~
17 ~~vision of~~ THAT VIOLATES this section ~~shall be~~ IS guilty of a
18 misdemeanor.

19 (4) TO THE EXTENT NOT PROTECTED BY THE IMMUNITY CONFERRED BY
20 1964 PA 170, MCL 691.1401 TO 691.1415, A PERSON WHO MAKES A
21 REPORT IN GOOD FAITH UNDER SUBSECTION (1) OR (2) OR WHO COOPER-
22 ATES IN GOOD FAITH IN AN INVESTIGATION, CIVIL PROCEEDING, OR
23 CRIMINAL PROCEEDING CONDUCTED AS A RESULT OF SUCH A REPORT IS
24 IMMUNE FROM CIVIL OR CRIMINAL LIABILITY THAT WOULD OTHERWISE BE
25 INCURRED BY MAKING THE REPORT OR COOPERATING IN THE INVESTIGATION
26 OR CIVIL OR CRIMINAL PROCEEDING. A PERSON WHO MAKES A REPORT
27 UNDER SUBSECTION (1) OR (2) OR WHO COOPERATES IN AN

1 INVESTIGATION, CIVIL PROCEEDING, OR CRIMINAL PROCEEDING CONDUCTED
2 AS A RESULT OF SUCH A REPORT IS PRESUMED TO HAVE ACTED IN GOOD
3 FAITH. THE PRESUMPTION CREATED BY THIS SUBSECTION MAY BE
4 REBUTTED ONLY BY CLEAR AND CONVINCING EVIDENCE.

5 (5) THE IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY GRANTED
6 UNDER SUBSECTION (4) EXTENDS ONLY TO THE ACTIONS DESCRIBED IN
7 SUBSECTION (4) AND DOES NOT EXTEND TO ANOTHER ACT OR OMISSION
8 THAT IS NEGLIGENT OR THAT AMOUNTS TO PROFESSIONAL MALPRACTICE, OR
9 BOTH, AND THAT CAUSES PERSONAL INJURY OR DEATH.

10 (6) THE PHYSICIAN-PATIENT PRIVILEGE CREATED UNDER SECTION
11 2157 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL
12 600.2157, A HEALTH PROFESSIONAL-PATIENT PRIVILEGE CREATED UNDER
13 ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101
14 TO 333.18838, AND ANY OTHER HEALTH PROFESSIONAL-PATIENT PRIVILEGE
15 CREATED OR RECOGNIZED BY LAW DO NOT APPLY TO A REPORT MADE UNDER
16 SUBSECTION (1), ARE NOT VALID REASONS FOR A FAILURE TO COMPLY
17 WITH SUBSECTION (1), AND ARE NOT A DEFENSE TO A MISDEMEANOR
18 CHARGE FILED UNDER THIS SECTION.

19 Enacting section 1. This amendatory act takes effect
20 September 1, 1999.