

Senate Fiscal Agency
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House Bill 5009 (as reported without amendment)
Sponsor: Representative Mary Ann Middaugh
House Committee: Family and Children Services
Senate Committee: Families, Mental Health and Human Services

Date Completed: 2-11-02

RATIONALE

The Child Protection Law requires various professionals to report suspected cases of child abuse or neglect to the Family Independence Agency (FIA). The FIA then must begin an investigation or, in certain cases, notify the prosecuting attorney. At the time the law was enacted in 1975, failing to report an instance of suspected child abuse or neglect was a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$100. Public Act 309 of 1996 increased the maximum term of imprisonment to 93 days (which makes offenders subject to fingerprinting requirements). The financial penalty for knowingly failing to report, however, has not been updated since 1975. Apparently, the \$100 in 1975 would be equal to approximately \$30 today. It has been suggested that the fine be increased to reflect the current value of the dollar.

CONTENT

The bill would amend the Child Protection Law to increase from \$100 to \$500 the maximum fine for knowingly failing to report an instance of suspected child abuse or neglect.

MCL 722.633

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By increasing the maximum fine for knowingly failing to report an instance of suspected child abuse or neglect, the bill would update the

financial penalty, and emphasize the consequences for individuals who are required by law to be responsible for protecting the interests of children. These individuals, including physicians, therapists, and teachers, often play an integral role in the investigative process since they may be familiar with a child's medical, psychological, or family background, accustomed to the child's everyday behavior, or even know the family members. In essence, failure to report cases of suspected child abuse or neglect could increase the likelihood that the crime will continue.

Legislative Analyst: Nobuko Nagata

FISCAL IMPACT

The bill would have no fiscal impact on State government and an indeterminate impact on local government. There are no data to indicate how many offenders might be convicted of knowingly failing to report an instance of suspected child abuse or neglect. To the extent that the bill would increase the fine from \$100 to \$500, it could potentially benefit public libraries, which receive all penal fine revenue.

Fiscal Analyst: Bethany Wicksall

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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.

