

# HOUSE BILL No. 5390

November 1, 2005, Introduced by Reps. Bieda, Zelenko, Vagnozzi and Cushingberry and referred to the Committee on Judiciary.

A bill to amend 1975 PA 238, entitled  
"Child protection law,"  
(MCL 722.621 to 722.638) by amending the title, as amended by 1988  
PA 372, and by adding section 3b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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### TITLE

An act to require the reporting of child abuse and neglect by  
certain persons; to permit the reporting of child abuse and neglect  
by all persons; to provide for the protection of children who are  
abused or neglected; to authorize limited detainment in protective  
custody; to authorize medical examinations; **TO REQUIRE CERTAIN**  
**REPORTS REGARDING ABUSE OF ANIMALS;** to prescribe the powers and  
duties of the state department of social services to prevent child

1 abuse and neglect; to prescribe certain powers and duties of local  
2 law enforcement agencies; to safeguard and enhance the welfare of  
3 children and preserve family life; to provide for the appointment  
4 of legal counsel; to provide for the abrogation of privileged  
5 communications; to provide civil and criminal immunity for certain  
6 persons; to provide rules of evidence in certain cases; to provide  
7 for confidentiality of records; to provide for the expungement of  
8 certain records; to prescribe penalties; and to repeal ~~certain~~  
9 acts and parts of acts.

10       SEC. 3B. (1) IN ADDITION TO THE REPORTING REQUIREMENT IN  
11 SECTION 3, A PERSON WHO IS REQUIRED TO REPORT SUSPECTED CHILD ABUSE  
12 OR NEGLECT UNDER SECTION 3(1) AND WHO KNOWS, OR HAS REASONABLE  
13 CAUSE TO SUSPECT, THAT THE PERSON WHO IS THE SUBJECT OF THE REPORT  
14 HAS ALSO ABUSED OR MALTREATED AN ANIMAL, SHALL REPORT THAT ABUSE OR  
15 MALTREATMENT OR SUSPECTED ABUSE OR MALTREATMENT OF AN ANIMAL AS  
16 PROVIDED IN SUBSECTION (2).

17       (2) AN ORAL REPORT OF SUSPECTED ANIMAL ABUSE OR MALTREATMENT  
18 MADE ACCORDING TO THIS SECTION SHALL BE MADE IMMEDIATELY BY  
19 TELEPHONE OR BY TELEPHONE FACSIMILE MACHINE. THE PERSON MAKING THE  
20 TELEPHONE OR FACSIMILE REPORT SHALL FOLLOW WITH A REPORT IN WRITING  
21 WITHIN 48 HOURS AFTER THE ORAL REPORT. ORAL AND WRITTEN REPORTS  
22 SHALL BE MADE TO THE LOCAL SOCIETY FOR THE PREVENTION OF CRUELTY TO  
23 ANIMALS OR THE LOCAL POLICE DEPARTMENT. THE PERSON MAKING THE  
24 REPORT SHALL FORWARD A COPY OF THE WRITTEN REPORT TO THE AMERICAN  
25 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS WITHIN 48 HOURS  
26 AFTER THE ORAL REPORT. WRITTEN REPORTS SHALL BE MADE IN A MANNER  
27 PRESCRIBED BY THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO

1 ANIMALS AND SHALL INCLUDE THE FOLLOWING INFORMATION:

2 (A) A DESCRIPTION OF THE ANIMAL.

3 (B) THE PRESENT LOCATION OF THE ANIMAL.

4 (C) A DESCRIPTION OF THE INJURY, ABUSE, OR MALTREATMENT OF THE  
5 ANIMAL, INCLUDING ANY EVIDENCE OF PRIOR INJURIES, ABUSE, OR  
6 MALTREATMENT OF THE ANIMAL OR OF OTHER ANIMALS.

7 (D) THE NAME AND ADDRESS OF THE PERSON OR PERSONS ALLEGED TO  
8 BE RESPONSIBLE FOR CAUSING THE INJURY, ABUSE, OR MALTREATMENT.

9 (E) THE SOURCE OF THE REPORT.

10 (F) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PERSON  
11 MAKING THE REPORT.

12 (G) ANY ACTION TAKEN BY THE REPORTING SOURCE WITH REGARD TO  
13 THE INJURY, ABUSE, OR MALTREATMENT OF THE ANIMAL.

14 (3) WRITTEN REPORTS FROM PERSONS OR OFFICIALS REQUIRED BY THIS  
15 SECTION TO REPORT SHALL BE ADMISSIBLE IN ANY PROCEEDINGS RELATING  
16 TO ANIMAL ABUSE OR MALTREATMENT.