

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Reps. Heise and Hughes

ENROLLED HOUSE BILL No. 5431

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 411a (MCL 750.411a), as amended by 2004 PA 104.

The People of the State of Michigan enact:

Sec. 411a. (1) Except as otherwise provided in subsections (2) and (3), a person who intentionally makes a false report of the commission of a crime, or intentionally causes a false report of the commission of a crime to be made, to a peace officer, police agency of this state or of a local unit of government, 9-1-1 operator, or any other governmental employee or contractor or employee of a contractor who is authorized to receive reports of a crime, knowing the report is false, is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) through (e), if the report is a false report of a misdemeanor, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) Except as provided in subdivisions (c) through (e), if the report is a false report of a felony, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(c) Except as provided in subdivisions (d) and (e), if the false report results in a response to address the reported crime and a person incurs physical injury as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$20,000.00, or both.

(d) If the false report results in a response to address the reported crime and a person incurs serious impairment of a body function as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$25,000.00, or both.

(e) If the false report results in a response to address the reported crime and a person is killed as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$25,000.00 or more than \$50,000.00, or both.

(2) A person shall not do either of the following:

(a) Knowingly make a false report of a violation or attempted violation of chapter XXXIII or section 327, 328, 397a, or 436 and communicate or cause the communication of the false report to any other person, knowing the report to be false.

(b) Threaten to violate chapter XXXIII or section 327, 328, 397a, or 436 and communicate or cause the communication of the threat to any other person.

(3) A person who violates subsection (2) is guilty of a felony punishable as follows:

(a) Subject to subsection (1)(c) through (e), for a first conviction under subsection (2), by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(b) Subject to subsection (1)(d) and (e), for a second or subsequent conviction under subsection (2), imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both.

(4) A person shall not intentionally make or intentionally cause to be made a false report of a medical or other emergency to a peace officer, police agency of this state or of a local unit of government, firefighter or fire department of this state or a local unit of government of this state, 9-1-1 operator, medical first responder, or any governmental employee or contractor or employee of a contractor who is authorized to receive reports of medical or other emergencies. A person who violates this subsection is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) through (d), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) Except as provided in subdivisions (c) and (d), if the false report results in a response to address the reported medical or other emergency and a person incurs physical injury as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$20,000.00, or both.

(c) If the false report results in a response to address the reported medical or other emergency and a person incurs serious impairment of a body function as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$25,000.00, or both.

(d) If the false report results in a response to address the reported crime and a person is killed as a proximate result of lawful conduct arising out of that response, the person responsible for the false report is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$25,000.00 or more than \$50,000.00, or both.

(5) The court may order a person convicted under subsection (2) or (4) to pay to the state or a local unit of government the costs of responding to the false report or threat including, but not limited to, use of police, fire, medical, or other emergency response vehicles and teams, under section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f, unless otherwise expressly provided for in this section.

(6) If the person ordered to pay costs under subsection (5) is a juvenile under the jurisdiction of the family division of the circuit court under chapter 10 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1001 to 600.1043, all of the following apply:

(a) If the court determines that the juvenile is or will be unable to pay all of the costs ordered, after notice to the juvenile's parent or parents and an opportunity for the parent or parents to be heard, the court may order the parent or parents having supervisory responsibility for the juvenile, at the time of the acts upon which the order is based, to pay any portion of the costs ordered that is outstanding. An order under this subsection does not relieve the juvenile of his or her obligation to pay the costs as ordered, but the amount owed by the juvenile shall be offset by any amount paid by his or her parent. As used in this subsection, "parent" does not include a foster parent.

(b) If the court orders a parent to pay costs under subdivision (a), the court shall take into account the financial resources of the parent and the burden that the payment of the costs will impose, with due regard to any other moral or legal financial obligations that the parent may have. If a parent is required to pay the costs under subdivision (a), the court shall provide for payment to be made in specified installments and within a specified period of time.

(c) A parent who has been ordered to pay the costs under subdivision (a) may petition the court for a modification of the amount of the costs owed by the parent or for a cancellation of any unpaid portion of the parent's obligation. The court shall cancel all or part of the parent's obligation due if the court determines that payment of the amount due will impose a manifest hardship on the parent.

(7) A violation or attempted violation of this section occurs if the communication of the false report originates in this state, is intended to terminate in this state, or is intended to terminate with a person who is in this state.

(8) A violation or attempted violation of this section may be prosecuted in any jurisdiction in which the communication originated or terminated.

(9) As used in this section:

(a) "Local unit of government" means:

(i) A city, village, township, or county.

(ii) A local or intermediate school district.

(iii) A public school academy.

(iv) A community college.

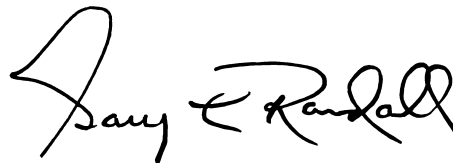
(b) "Medical first responder" means that term as defined in section 20906 of the public health code, 1978 PA 368, MCL 333.20906.

(c) "Serious impairment of a body function" means that term as defined in section 395.

(d) "State" includes, but is not limited to, a state institution of higher education.

Enacting section 1. This amendatory act takes effect January 1, 2013.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor