



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 874 (Substitute S-1)
Senate Bill 880 (as introduced 2-27-18)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 2-27-18

CONTENT

Senate Bill 874 (S-1) would amend the Child Protection Law to do the following:

- Specify that a paid employee or a volunteer who was required to report suspected child abuse or child neglect, who had direct knowledge of the nature of the suspected child abuse or child neglect, and who willfully and knowingly failed to report would be guilty of a felony.
- For an employee who failed to report, prescribe a penalty that would be higher than the current penalty for a person who fails to report.
- For a volunteer who failed to report, prescribe a penalty that would be less than the penalty for an employee who failed to report.
- Prescribe an enhanced penalty for an employee or volunteer who failed to report an instance of suspected child abuse or child neglect a second or subsequent time.

Senate Bill 880 would amend the sentencing guidelines in the Code of Criminal Procedure to include the felonies proposed by Senate Bill 874 (S-1) as Class G offenses against a person, with the statutory maximum proposed by that bill.

The bills are tie-barred to each other. Each bill would take effect 90 days after its enactment.

Senate Bill 874 (S-1) is discussed in more detail below.

The Law requires medical professionals, marriage therapists, licensed counselors, social workers, social service technicians, school counselors, professionals employed in a Friend of the Court office, school administrators, counselors, teachers, law enforcement officers, members of the clergy, and regulated child care providers who have reasonable cause to suspect child abuse or child neglect to make an immediate report to centralized intake by telephone, or, if available, through the online reporting system, of the suspected abuse or neglect. Within 72 hours after making an oral report by telephone, the reporting person must file a written report.

A person who is required to report and knowingly fails to do so is guilty of a misdemeanor punishable by imprisonment for up to 93 days, or a maximum fine of \$500, or both. Under the bill, instead, a person who by his or her paid employment was required to report an instance of suspected child abuse or child neglect, who had direct knowledge of the nature of the suspected child abuse or child neglect, and who willfully and knowingly failed to report

would be guilty of a felony punishable by up to two years' imprisonment or a fine of at least \$1,000 but not more than \$5,000, or both.

A person who was a volunteer required by the Law to report an instance of suspected child abuse or child neglect, who had direct knowledge of the nature of the suspected child abuse or child neglect, and who willfully and knowingly failed to report would be guilty of a felony punishable by up to one year's imprisonment or a fine of \$1,000, or both.

If a person described in either provision above committed a second or subsequent offense, he or she would be guilty of a felony punishable by up to seven years' imprisonment, a maximum fine of \$15,000, or both.

MCL 722.633 (S.B. 784)
777.15g (S.B. 880)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

Senate Bill 874 (S-1)

The bill could have a negative fiscal impact on the State and local government. More felony arrests and convictions could increase demands on court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

Senate Bill 880

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Fiscal Analyst: John Maxwell

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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.