

HOUSE BILL NO. 5014

June 15, 2021, Introduced by Reps. Yancey, Cavanagh, Aiyash, Hood, Scott, Puri, Brabec, Steckloff, Stone, O'Neal, Rogers, Hertel, Neeley, Sowerby, Brenda Carter, Thanedar, Weiss, Cynthia Johnson, Young, Whitsett, Brixie, Rabhi, Kuppa and Jones and referred to the Committee on Government Operations.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 411a (MCL 750.411a), as amended by 2012 PA 330.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 411a. (1) Except as otherwise provided in subsections (2)
2 and (3), a person who intentionally makes a false report of the
3 commission of a crime, or intentionally causes a false report of
4 the commission of a crime to be made, to a peace officer, police
5 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)~~, **(g)**, 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 (g), if a false report is a report of a misdemeanor and is based in whole or in part on the individual's membership in a protected class, including, but not limited to, being based upon the individual's race, sexual orientation, color, nationality, or religion, and not on a reasonable suspicion of criminal activity in consideration of all available facts and the totality of the circumstances, the person is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not more than \$1,000.00, or both.

(c) ~~(b)~~ Except as provided in subdivisions ~~(e)~~ **(d) through ~~(e)~~, **(g)**, 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.**

(d) Except as provided in subdivisions (e) through (g), if a false report is a report of a felony and is based in whole or in part on the individual's membership in a protected class, including, but not limited to, being based upon the individual's race, sexual orientation, color, nationality, or religion, and not on a reasonable suspicion of criminal activity in consideration of all available facts and the totality of the circumstances, the

1 person is guilty of a felony punishable by imprisonment for not
2 more than 8 years or a fine of not more than \$4,000.00, or both.

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

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

16 (g) ~~(e)~~ If the false report results in a response to address
17 the reported crime and a person is killed as a proximate result of
18 lawful conduct arising out of that response, the person responsible
19 for the false report is guilty of a felony punishable by
20 imprisonment for not more than 15 years or a fine of not less than
21 \$25,000.00 or more than \$50,000.00, or both.

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

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

27 (b) Threaten to violate chapter XXXIII or section 327, 328,
28 397a, or 436 and communicate or cause the communication of the
29 threat to any other person.

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

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

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

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

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

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

29 (c) If the false report results in a response to address the

1 reported medical or other emergency and a person incurs serious
2 impairment of a body function as a proximate result of lawful
3 conduct arising out of that response, the person responsible for
4 the false report is guilty of a felony punishable by imprisonment
5 for not more than 10 years or a fine of not more than \$25,000.00,
6 or both.

7 (d) If the false report results in a response to address the
8 reported crime and a person is killed as a proximate result of
9 lawful conduct arising out of that response, the person responsible
10 for the false report is guilty of a felony punishable by
11 imprisonment for not more than 15 years or a fine of not less than
12 \$25,000.00 or more than \$50,000.00, or both.

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

20 (6) If the person ordered to pay costs under subsection (5) is
21 a juvenile under the jurisdiction of the family division of the
22 circuit court under chapter 10 of the revised judicature act of
23 1961, 1961 PA 236, MCL 600.1001 to 600.1043, all of the following
24 apply:

25 (a) If the court determines that the juvenile is or will be
26 unable to pay all of the costs ordered, after notice to the
27 juvenile's parent or parents and an opportunity for the parent or
28 parents to be heard, the court may order the parent or parents
29 having supervisory responsibility for the juvenile, at the time of

1 the acts upon which the order is based, to pay any portion of the
2 costs ordered that is outstanding. An order under this subsection
3 does not relieve the juvenile of his or her obligation to pay the
4 costs as ordered, but the amount owed by the juvenile shall be
5 offset by any amount paid by his or her parent. As used in this
6 subsection, "parent" does not include a foster parent.

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

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

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

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

29 (9) As used in this section:

1 (a) "Local unit of government" means:

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

3 (ii) A local or intermediate school district.

4 (iii) A public school academy.

5 (iv) A community college.

6 (b) "Medical first responder" means that term as defined in
7 section 20906 of the public health code, 1978 PA 368, MCL
8 333.20906.

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

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

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.