

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 756 (as passed by the Senate)  
Sponsor: Senator Bill Bullard, Jr.  
Committee: Judiciary

Date Completed: 11-5-99

### **RATIONALE**

The Michigan Penal Code requires that a physician, hospital, or pharmacy immediately report to the local police chief or the county sheriff when a person seeks treatment for a wound or injury inflicted by a deadly weapon or other violent means. Failure to report a wound or injury resulting from violence is a misdemeanor. This provision dates at least back to 1931. In the intervening years, American society has become far more mobile than it was when the reporting requirement was enacted. People increasingly travel across municipal and county lines for many different types of services, including health care treatment. Some hospitals, particularly in large metropolitan and suburban areas, may treat patients from dozens of different communities. In light of this blurring of municipal lines in the delivery of health care services, some people believe that the report of violent injury should not have to go strictly to the local law enforcement agency where the facility or physician is located, but that the treating health professional or facility also should have the option of reporting to the local law enforcement agency with jurisdiction over the local unit in which the injury occurred or to the State Police.

### **CONTENT**

The bill would amend the Michigan Penal Code to revise requirements that various health professionals report to police when a person seeks treatment for a wound or injury inflicted by means of violence or a deadly weapon.

Currently, the Penal Code provides that it is the duty of every person, firm, or corporation conducting any hospital or pharmacy, or the person managing or in charge of a hospital or pharmacy or any ward or part of any hospital or pharmacy, to report immediately to the chief of police, other head of a local police force, or the county sheriff whenever a person suffering from a wound or other injury inflicted by means of a knife, gun, pistol, or other deadly weapon, or by other means of violence, comes or is brought to the hospital or pharmacy. The report must state the

name and residence of the person, if known, the person's whereabouts, and the character and extent of the injuries. A physician or surgeon, who has under his or her care or charge a person suffering from any similar wound or injury, must make a like report to the appropriate law enforcement officer. The bill would delete and replace these provisions.

Under the bill, if a person suffering from an injury inflicted by a firearm, knife, or other deadly weapon, or by other violent means, presented for treatment at a hospital, a private practice office of a physician, or a pharmacy, the physician or a health professional or other individual employed by or under contract to the physician or hospital, including but not limited to an officer of the hospital, or the pharmacist or another individual employed by or under contract to the pharmacy, immediately would have to report that fact to the local law enforcement agency with jurisdiction over the place where the injury occurred; the local law enforcement agency with jurisdiction where the hospital, private practice office, or pharmacy was located; or the State Police.

A report required under the bill would have to be made both orally and in writing and contain, at a minimum, the name and address of the injured person, if known, and the nature and extent of the injury.

As currently provided, a violation of the reporting requirement would be a misdemeanor.

MCL 750.411

### **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**

Given the increasing mobility of people across jurisdictional lines in today's society, hospitals and

other facilities tend to treat people from many locales. A typical hospital in suburban Detroit, for example, may routinely see patients from 15 to 20 different communities. Hospitals and clinics in these areas also tend to treat a high volume of patients. Since health professional and facilities are required to report injuries and wounds that result from deadly weapons and other violent incidents to their local police departments, those law enforcement agencies may receive a large number of reports regarding incidents that actually occurred in other jurisdictions. By allowing doctors, pharmacists, and health facilities to make these required reports to the local law enforcement agency where an injury occurred or to the State Police, the bill would facilitate more efficient investigation of the violent incidents by police and give health professionals and facilities more options in complying with the reporting requirement.

Legislative Analyst: P. Affholter

#### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: M. Tyszkiewicz

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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.