

SENATE BILL No. 825

October 19, 1999, Introduced by Senators BYRUM, YOUNG, HART, MILLER, EMERSON, DINGELL, CHERRY, KOIVISTO, LELAND, V. SMITH, JAYE and GOSCHKA and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 136c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 136C. (1) AN INDIVIDUAL WHO IS 17 YEARS OF AGE OR
2 OLDER IS GUILTY OF BEING AN ACCESSORY TO CHILD ABUSE IF ALL OF
3 THE FOLLOWING APPLY:

4 (A) THE INDIVIDUAL KNOWS THAT A HARMFUL ACT IS BEING COMMIT-
5 TED, OR THAT ANOTHER PERSON INTENDS TO COMMIT A HARMFUL ACT,
6 AGAINST AN INDIVIDUAL HE OR SHE KNOWS OR REASONABLY SHOULD KNOW
7 IS A CHILD.

8 (B) THE INDIVIDUAL FAILS TO TAKE ACTION TO PREVENT THE HARM-
9 FUL ACT OR TO IMMEDIATELY REPORT THE HARMFUL ACT TO THE NEAREST
10 LAW ENFORCEMENT AGENCY HAVING JURISDICTION.

1 (2) BEING AN ACCESSORY TO CHILD ABUSE IS A FELONY PUNISHABLE
2 BY THE LESSER OF THE FOLLOWING:

3 (A) THE PENALTY FOR THE HARMFUL ACT THE INDIVIDUAL FAILED TO
4 REPORT OR TAKE ACTION AGAINST.

5 (B) IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT
6 MORE THAN \$10,000.00, OR BOTH.

7 (3) IF A PERSON WHO VIOLATES SUBSECTION (1) REPORTS THE
8 FACTS OF THE VIOLATION TO THE PROSECUTING ATTORNEY AND, IF NECES-
9 SARY, TESTIFIES AGAINST ANOTHER PERSON IN A CRIMINAL PROCEEDING
10 ARISING OUT OF THE SAME TRANSACTION OR INCIDENT, THE INDIVIDUAL
11 HAS FULL IMMUNITY FROM PROSECUTION UNDER THIS SECTION FOR THAT
12 TRANSACTION OR INCIDENT.

13 (4) AS USED IN THIS SECTION:

14 (A) "CHILD" MEANS AN INDIVIDUAL LESS THAN 17 YEARS OF AGE.

15 (B) "HARMFUL ACT" MEANS:

16 (i) AN ACT THAT CAUSES SERIOUS HARM OR INJURY TO A CHILD'S
17 PHYSICAL CONDITION THAT IS NOT NECESSARILY PERMANENT BUT CONSTI-
18 TUTES SUBSTANTIAL BODILY DISFIGUREMENT OR SERIOUSLY IMPAIRS THE
19 FUNCTION OF A BODILY ORGAN OR LIMB, INCLUDING, BUT NOT LIMITED
20 TO, BRAIN DAMAGE, SKULL OR BONE FRACTURES, SUBDURAL HEMORRHAGES
21 OR HEMATOMAS, DISLOCATIONS, SPRAINS, INTERNAL INJURIES, POISON-
22 ING, BURNS, SCALDS, OR SEVERE CUTS.

23 (ii) SEXUAL ABUSE OF A CHILD, INCLUDING, BUT NOT LIMITED TO,
24 A VIOLATION OF SECTION 520B, 520C, 520D, 520E, OR 520G.

25 (iii) SEXUAL EXPLOITATION OF A CHILD, INCLUDING, BUT NOT
26 LIMITED TO, ALLOWING, PERMITTING, OR ENCOURAGING A CHILD TO
27 ENGAGE IN PROSTITUTION OR ALLOWING, PERMITTING, ENCOURAGING, OR

1 ENGAGING IN PHOTOGRAPHING, FILMING, OR DEPICTING A CHILD ENGAGED
2 IN A LISTED SEXUAL ACT AS DEFINED IN SECTION 145C.