



**House
Legislative
Analysis
Section**

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**1ST DEGREE CHILD ABUSE:
INCREASE PENALTY**

**House Bills 4327 and 4328
Sponsor: Rep. Steven Bieda
Committee: Criminal Justice**

Complete to 4-22-03

A SUMMARY OF HOUSE BILLS 4327 AND 4328 AS INTRODUCED 3-12-03

House Bill 4327 would amend the Michigan Penal Code to increase the allowable term of imprisonment for child abuse in the first degree and House Bill 4328 would amend the Code of Criminal Procedure to place the revised penalty in the corresponding sentencing guidelines section.

House Bill 4327. Under the Michigan Penal Code, a person is guilty of first-degree child abuse if he or she knowingly or intentionally causes serious physical or serious mental harm to a child. The crime is a felony punishable by imprisonment for not more than 15 years. The bill would amend the code (MCL 750.136b) to also allow a court, except as provided in Section 316, to impose a life sentence or any term of years but not less than 15 years if the abuse resulted in the death of the child. (Section 316 defines first-degree murder, which mandates a sentence of life imprisonment. Child abuse in the first-degree is included in those acts which may result in a conviction for first-degree murder.)

House Bill 4328 would amend the Code of Criminal Procedure (MCL 777.16g) to change first-degree child abuse from a Class B felony to a Class A felony and increase the statutory maximum term of imprisonment from 15 years to life.

House Bills 4327 and 4328 (4-22-03)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.