



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4872 (Substitute H-1 as reported by the Committee of the Whole)
House Bill 4873 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Mark Meadows (H.B. 4872)
Representative Fran Amos (H.B. 4873)
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

House Bill 4872 (H-1) would amend the Michigan Penal Code to prohibit a person who was responsible for the care or welfare of a child under six years old from leaving that child unattended in a vehicle for a period of time, or under circumstances, that would pose an unreasonable risk of harm or injury to the child. A violation would be punishable as shown in Table 1.

Table 1

Result of Violation	Offense Level	Max. Imprisonment and/or Max. Fine
No physical harm	Misdemeanor	93 days; \$500
Physical harm other than serious physical harm	Misdemeanor	1 year; \$1,000
Serious physical harm	Felony	10 years; \$5,000
Death	Felony	15 years; \$10,000

"Unattended" would mean alone or without the supervision of an individual who is at least 13 and is not legally incapacitated.

"Physical harm" and "serious physical harm" would mean those terms as defined in a child abuse provision of the Penal Code (MCL 750.136b). (Under that section, "physical harm" means any injury to a child's physical condition. "Serious physical harm" means any physical injury to a child that seriously impairs the child's health or physical well-being, including brain damage, a skull or bone fracture, subdural hemorrhage or hematoma, dislocation sprain, internal injury, poisoning, burn or scald, or severe cut.)

House Bill 4873 (S-1) would amend the Code of Criminal Procedure to include felonies proposed by House Bill 4872 (H-1) in the sentencing guidelines, as shown in Table 2.

Table 2

Offense	Felony Class & Category	Stat. Max. Sentence
Leaving child in vehicle resulting in serious physical harm	D-Person	10 years
Leaving child in vehicle resulting in death	B-Person	15 years

Both bills would take effect on April 1, 2009. House Bill 4873 (S-1) is tie-barred to House Bill 4872.

Proposed MCL 750.135a (H.B. 4872)
MCL 777.16g (H.B. 4873)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offenses involving leaving a child unattended in a vehicle. An offender convicted of the Class B felony under the bills would receive a sentencing guidelines minimum sentence range of 0-18 months to 117-160 months. An offender convicted of the Class D felony would receive a sentencing guidelines minimum sentence range of 0-6 months to 43-76 months. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$32,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 12-11-08

Fiscal Analyst: Lindsay Hollander

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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.