

Act No. 519  
Public Acts of 2008  
Approved by the Governor  
January 12, 2009  
Filed with the Secretary of State  
January 13, 2009  
EFFECTIVE DATE: April 1, 2009

**STATE OF MICHIGAN  
94TH LEGISLATURE  
REGULAR SESSION OF 2008**

**Introduced by Reps. Meadows, Constan, Robert Jones, Scott, Vagnozzi, Bauer, Johnson, Meisner, Young, Coulouris, Warren, Cheeks, Simpson, Brown, Lemmons, Ebli, Lahti, Donigan, Lindberg, Corriveau, LeBlanc, Wojno, Mayes, Miller, Hoogendyk, Nitz, Moore, Dean, Hammon, Clack, Condino, Bieda, McDowell, Byrum, Alma Smith, Hammel, Virgil Smith, Jackson, Angerer, Amos, Meekhof, Opsommer, David Law, Shaffer, Marleau, Emmons, Rocca, Moss, Walker, Booher, Robertson, Gaffney, Nofs, Hune, Rick Jones, Palsrok, Stahl, Steil, Pearce, Wenke, LaJoy, Brandenburg, Horn, Casperson, Green, Pastor, Sheen, Caul and Knollenberg**

# **ENROLLED HOUSE BILL No. 4872**

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 135a.

*The People of the State of Michigan enact:*

Sec. 135a. (1) A person who is responsible for the care or welfare of a child shall not leave that child unattended in a vehicle for a period of time that poses an unreasonable risk of harm or injury to the child or under circumstances that pose an unreasonable risk of harm or injury to the child.

(2) A person who violates this section is guilty of a crime as follows:

(a) Except as otherwise provided in subdivisions (b) to (d), 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) If the violation results in physical harm other than serious physical harm to the child, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(c) If the violation results in serious physical harm to the child, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both.

(d) If the violation results in the death of the child, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(3) As used in this section:

(a) "Child" means an individual less than 6 years of age.

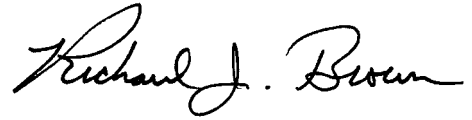
(b) "Physical harm" and "serious physical harm" mean those terms as defined in section 136b.

(c) "Unattended" means alone or without the supervision of an individual 13 years of age or older who is not legally incapacitated.

(d) "Vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79.

Enacting section 1. This amendatory act takes effect April 1, 2009.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor