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Senate Bills 547 and 548 (as introduced 10-3-23)  
Sponsor: Senator Jeff Irwin (S.B. 547)  
Senator Ed McBroom (S.B. 548)  
Committee: Housing and Human Services

Date Completed: 4-30-24

## **CONTENT**

**Senate Bill 547 would amend the Child Protection Law to specify that the definition of "child neglect" would not include a child that engaged in independent activities outside of parent or guardian supervision, such as traveling to or from school or a nearby location by bicycle or on foot, playing outdoors, or remaining at home or other location for a reasonable period of time.**

**Senate Bill 548 would amend the Michigan Penal Code to specify that a person would not be guilty of child abuse in the first-, second-, third-, or fourth degree for allowing a child to engage in independent activities described in Senate Bill 547.**

Senate Bill 548 is tie-barred to Senate Bill 547 and would take effect 90 days after its enactment.

### **Senate Bill 547**

Under the child protection law, "child neglect" means harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person reasonable for the child's health or welfare that occurs through either of the following:

- Negligent treatment, including the failure to provide adequate food, clothing, shelter, medical care, though financially able to do so, or by the failure to seek financial or other reasonable means to provide adequate food, clothing, shelter, or medical care.
- Placing a child at an unreasonable risk to the child's health or welfare by failure of the parent, legal guardian, or other person responsible for the child's health or welfare to intervene to eliminate that risk when the person is able to do so and has or should have knowledge of the risk.

Instead, under the bill, "child neglect" would mean harm or threatened harm to a child's health or welfare by a parent, legal guardian, or any other person reasonable for the child's health or welfare that occurs through either of the following:

- Negligent treatment, including the failure to provide adequate food, clothing, shelter, medical care, though financially able to do so, or by the failure to seek financial or other reasonable means to provide adequate food, clothing, shelter, or medical care.
- Placing a child at an unreasonable *likelihood of serious* risk to the child's health or welfare by *gross negligence* of the parent, legal guardian, or other person responsible for the child's health or welfare to *prevent, take sufficient precautions to adequately reduce, or* eliminate that risk when the person is able to do so and has, or should have knowledge of the *serious* risk.

The bill would specify that the term would not include a child who engaged in independent activities outside the supervision of a parent, guardian, other person responsible for the child's welfare except if the child lacked the minimum maturity, physical condition, or cognitive ability to safely manage the activities and the parent, guardian, other person responsible for the child's welfare disregarded the obvious and likely risks of harm from those activities. "Independent activities" would include traveling to or from school or a nearby location by bicycle or on foot, playing outdoors, or remaining at home or other location for a reasonable period of time.

### **Senate Bill 548**

Under the Michigan Penal Code, a person is guilty of first-degree child abuse if the person knowingly or intentionally causes serious physical harm or serious mental harm to a child. A person is guilty of child abuse in the second degree if any of the following apply:

- The person's omission or reckless act causes serious physical harm or serious mental harm to a child.
- The person knowingly or intentionally commits an act likely to cause serious physical or mental harm to a child regardless of whether harm results.
- The person knowingly or intentionally commits an act that is cruel to a child regardless of whether harm results.
- The person or a licensed childcare organization intentionally violates a licensing rule and, by that violation, causes a child's death.

A person is guilty of third-degree child abuse if he or she knowingly or intentionally causes physical harm to a child, or knowingly or intentionally commits an act that under the circumstances poses an unreasonable risk of harm or injury to a child, and the act results in physical harm to a child. A person is guilty of fourth-degree child abuse if his or her omission or reckless act causes physical harm to a child, or he or she knowingly or intentionally commits an act that under the circumstances poses an unreasonable risk of harm or injury to a child, regardless of whether physical harm results.

The bill would specify that these provisions would not apply to a person that allowed a child to engage in independent activities described under Senate Bill 547.

MCL 722.622 (S.B. 547)  
750.136b (S.B. 548)

Legislative Analyst: Eleni Lionas

### **FISCAL IMPACT**

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

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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.