

HOUSE BILL NO. 5489

February 22, 2024, Introduced by Rep. Schriver and referred to the Committee on Government Operations.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 135 and 157m (MCL 750.135 and 750.157m), section 135 as amended by 2002 PA 689 and section 157m as amended by 2019 PA 175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 135. (1) Except as provided in subsection (3), a father
2 or mother of a child under the age of 6 years, or another
3 individual, who exposes the child in any street, field, house, or
4 other place, with intent to injure or wholly to abandon the child,

1 is guilty of a felony, punishable by imprisonment for not more than
2 10 years.

3 (2) Except for a situation involving actual or suspected child
4 abuse or child neglect, it is an affirmative defense to a
5 prosecution under subsection (1) that the child was not more than
6 72 hours old and was surrendered to an emergency service provider
7 under chapter XII of the probate code of 1939, 1939 PA 288, MCL
8 712.1 to 712.20. A criminal investigation ~~shall~~**must** not be
9 initiated solely on the basis of a newborn being surrendered to an
10 emergency service provider under chapter XII of the probate code of
11 1939, 1939 PA 288, MCL 712.1 to 712.20.

12 (3) Subsection (1) does not apply to a mother of a newborn who
13 is surrendered under the born alive infant protection act, **2002 PA**
14 **687, MCL 333.1071 to 333.1073**. Subsection (1) applies to an
15 attending physician who delivers a live newborn as a result of an
16 attempted abortion and fails to comply with the requirements of the
17 born alive infant protection act, **2002 PA 687, MCL 333.1071 to**
18 **333.1073**.

19 (4) As used in this section:

20 (a) "Emergency service provider" means a uniformed employee or
21 contractor of a fire department, hospital, or police station when
22 that individual is inside the premises and on duty.

23 (b) "Fire department" means an organized fire department as
24 that term is defined in section 1 of the fire prevention code, 1941
25 PA 207, MCL 29.1.

26 (c) "Hospital" means a hospital that is licensed under article
27 17 of the public health code, 1978 PA 368, MCL 333.20101 to
28 ~~333.22260~~**333.22121**.

29 (d) "Police station" means a police station as that term is

1 defined in section 43 of the Michigan vehicle code, 1949 PA 300,
2 MCL 257.43.

3 Sec. 157m. As used in this chapter:

4 (a) "Credit account" means the account through which a
5 business organization or financial institution allows a person or
6 organization to obtain goods, property, services, or any other
7 thing of value on credit.

8 (b) "Credit card" means either of the following:

9 (i) Any instrument or device ~~which~~**that** is sold, issued, or
10 otherwise distributed by a business organization or financial
11 institution for the use of the person or organization identified on
12 the instrument or device for obtaining goods, property, services,
13 or anything of value on credit.

14 (ii) An instrument or device ~~which~~**that** is issued or otherwise
15 distributed by an organization for the use of the person identified
16 on the instrument or device for obtaining health care services or
17 goods or reimbursement or payment for health care services or
18 goods. As used in this subparagraph, "organization" means any of
19 the following:

20 (A) A dental care corporation incorporated under 1963 PA 125,
21 MCL 550.351 to 550.373.

22 (B) A health care corporation incorporated under the nonprofit
23 health care corporation reform act, 1980 PA 350, MCL 550.1101 to
24 550.1704.

25 (C) A health maintenance organization ~~licensed as that term is~~
26 **defined** under ~~article 17 section 20106~~ of the public health code,
27 1978 PA 368, MCL ~~333.20101 to 333.22260~~.**333.20106**.

28 (D) An insurer as **that term is** defined in section 106 of the
29 insurance code of 1956, 1956 PA 218, MCL 500.106.

1 (E) A third party administrator operating under a certificate
2 of authority issued by the commissioner pursuant to the third party
3 administrator act, 1984 PA 218, MCL 550.901 to 550.960.

4 (c) "Cryptocurrency" means digital currency in which
5 encryption techniques are used to regulate the generation of units
6 of currency and verify the transfer of funds, and that operates
7 independently of a central bank.

8 (d) "Deposit account" includes share, deposit, member, and
9 savings accounts of financial institutions.

10 (e) "Deviceholder" means either of the following:

11 (i) The person or organization who requests a financial
12 transaction device and to whom or for whose benefit a financial
13 transaction device is subsequently issued.

14 (ii) The person or organization to whom a financial transaction
15 device was issued and who used or accepted a financial transaction
16 device, whether the issuance of the financial transaction device
17 was requested or not.

18 (f) "Distributed ledger technology" means any distributed
19 ledger protocol and supporting infrastructure, including
20 blockchain, that uses a distributed, decentralized, shared, and
21 replicated ledger, whether use of the ledger is public or private,
22 permissioned or permissionless, and that may include the use of
23 electronic currencies or electronic tokens as a medium of
24 electronic exchange.

25 (g) "Financial institution" means a bank, savings and loan
26 association, or credit union, and includes a corporation wholly
27 owned by a financial institution or by the holding company parent
28 of a financial institution.

29 (h) "Financial transaction device" means any of the following:

1 (i) An electronic funds transfer card.

2 (ii) A credit card.

3 (iii) A debit card.

4 (iv) A point-of-sale card.

5 (v) Any instrument, device, card, plate, code, account number,
6 personal identification number, or a record or copy of a code,
7 account number, or personal identification number or other means of
8 access to a credit account or deposit account including through the
9 use of cryptocurrency or distributed ledger technology, or a driver
10 license or state identification card used to access a proprietary
11 account, other than access originated solely by a paper instrument,
12 that can be used alone or in conjunction with another access
13 device, for any of the following purposes:

14 (A) Obtaining money, cash refund or credit account, credit,
15 goods, services, or any other thing of value.

16 (B) Certifying or guaranteeing to a person or business the
17 availability to the deviceholder of funds on deposit to honor a
18 draft or check payable to the order of that person or business.

19 (C) Providing the deviceholder access to a deposit account for
20 the purpose of making deposits, withdrawing funds, transferring
21 funds between deposit accounts, obtaining information pertaining to
22 a deposit account, or making an electronic ~~funds~~**fund** transfer as
23 **that term is** defined in section 3(4) of 1978 PA 322, MCL 488.3.

24 (i) "Proprietary account" means the account which is
25 maintained by a business organization in the name of an individual
26 person or organization and through which the business organization
27 allows the person or organization to obtain goods, property,
28 services, or any other thing of value on credit.

29 Enacting section 1. This amendatory act does not take effect

- 1 unless Senate Bill No. _____ or House Bill No. 5477 (request no.
- 2 01038'23) of the 102nd Legislature is enacted into law.