

Act No. 689
Public Acts of 2002
Approved by the Governor
December 29, 2002
Filed with the Secretary of State
December 30, 2002
EFFECTIVE DATE: March 31, 2003

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

**Introduced by Reps. Kuipers, Patterson, Richardville, Birkholz, Hummel, Jelinek, Vander Veen, Pappageorge, Van Woerkom, Vear, Palmer, Meyer, Tabor and George
Reps. Allen, Basham, Bovin, Bradstreet, Cameron Brown, Rich Brown, Callahan, Clarke, DeRossett, Drolet, Faunce, Gilbert, Gosselin, Hager, Howell, Jansen, Ruth Johnson, Julian, Koetje, Kooiman, Kowall, Lemmons, Lockwood, Mans, Mead, Middaugh, Mortimer, Neumann, Newell, O'Neil, Rocca, Shackleton, Sheltroun, Spade, Stamas, Vander Roest, Voorhees and Wojno named co-sponsors**

ENROLLED HOUSE BILL No. 5996

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 therefor; 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," by amending section 135 (MCL 750.135), as amended by 2000 PA 233.

The People of the State of Michigan enact:

Sec. 135. (1) Except as provided in subsection (3), a father or mother of a child under the age of 6 years, or another individual, who exposes the child in any street, field, house, or other place, with intent to injure or wholly to abandon the child, is guilty of a felony, punishable by imprisonment for not more than 10 years.

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

(3) Subsection (1) does not apply to a mother of a newborn who is surrendered under the born alive infant protection act. Subsection (1) applies to an attending physician who delivers a live newborn as a result of an attempted abortion and fails to comply with the requirements of the born alive infant protection act.

(4) As used in this section:

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

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

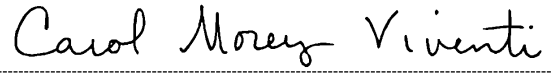
(c) "Hospital" means a hospital that is licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

(d) "Police station" means a police station as that term is defined in section 43 of the Michigan vehicle code, 1949 PA 300, MCL 257.43.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5994 of the 91st Legislature is enacted into law.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved

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Governor.