



HOUSE BILL No. 5389

March 2 1994 Introduced by Reps Gustafson Hammerstrom Whyman and McManus
and referred to the Committee on Judiciary

A bill to amend section 520e of Act No 328 of the Public
Acts of 1931, entitled as amended

'The Michigan penal code,"

as amended by Act No 86 of the Public Acts of 1988, being sec-
tion 750 520e of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 520e of Act No 328 of the Public Acts
2 of 1931, as amended by Act No 86 of the Public Acts of 1988,
3 being section 750 520e of the Michigan Compiled Laws, is amended
4 to read as follows

5 Sec 520e (1) A person is guilty of criminal sexual con-
6 duct in the fourth degree if he or she engages in sexual contact
7 with another person and if any of the following circumstances
8 ~~exists~~ EXIST

1 (A) THAT OTHER PERSON IS AT LEAST 13 YEARS OF AGE AND UNDER
2 16 YEARS OF AGE

3 (B) ~~(a)~~ Force or coercion is used to accomplish the sexual
4 contact Force or coercion includes but is not limited to any of
5 the FOLLOWING circumstances ~~listed in section 520b(1)(f)(1) to~~
6 ~~(1v)~~

7 (1) WHEN THE ACTOR OVERCOMES THE VICTIM THROUGH THE ACTUAL
8 APPLICATION OF PHYSICAL FORCE OR PHYSICAL VIOLENCE

9 (2) WHEN THE ACTOR COERCES THE VICTIM TO SUBMIT BY THREAT-
10 ENING TO USE FORCE OR VIOLENCE ON THE VICTIM, AND THE VICTIM
11 BELIEVES THAT THE ACTOR HAS THE PRESENT ABILITY TO EXECUTE THESE
12 THREATS

13 (22) WHEN THE ACTOR COERCES THE VICTIM TO SUBMIT BY THREAT-
14 ENING TO RETALIATE IN THE FUTURE AGAINST THE VICTIM, OR ANY OTHER
15 PERSON, AND THE VICTIM BELIEVES THAT THE ACTOR HAS THE ABILITY TO
16 EXECUTE THIS THREAT AS USED IN THIS SUBDIVISION, "TO RETALIATE"
17 INCLUDES THREATS OF PHYSICAL PUNISHMENT, KIDNAPPING, OR
18 EXTORTION

19 (1v) WHEN THE ACTOR ENGAGES IN THE MEDICAL TREATMENT OR
20 EXAMINATION OF THE VICTIM IN A MANNER OR FOR PURPOSES WHICH ARE
21 MEDICALLY RECOGNIZED AS UNETHICAL OR UNACCEPTABLE

22 (v) WHEN THE ACTOR ACHIEVES THE SEXUAL CONTACT THROUGH CON-
23 CEALMENT OR BY THE ELEMENT OF SURPRISE

24 (C) ~~(b)~~ The actor knows or has reason to know that the
25 victim is mentally incapable, mentally incapacitated, or phys-
26 cally helpless

1 (D) ~~(c)~~ That other person is under the jurisdiction of the
2 department of corrections, and the actor is an employee or a
3 contractual employee of, or a volunteer with, the department of
4 corrections who has knowledge that the other person is under the
5 jurisdiction of the department of corrections

6 (2) Criminal sexual conduct in the fourth degree is a misde-
7 meanor punishable by imprisonment for not more than 2 years ~~—~~
8 or ~~by~~ a fine of not more than \$500 00, or both