



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4362

Sponsor: Representative Thomas C. Mathieu

House Committee: Health Policy

Senate Committee: Health Policy and Senior Citizens

Date Completed: 9-25-95

SUMMARY OF HOUSE BILL 4362 as passed by the House:

The bill would amend the Public Health Code to include child molesters under the Code's current information, counseling, and testing requirements that are imposed on persons who commit certain sex and/or intravenous drug use crimes. The bill would take effect January 1, 1996.

Currently, as a condition of release pending trial, the court must order a person arrested for and charged with gross indecency, solicitation, prostitution, pandering, various degrees of criminal sexual conduct, or illegal intravenous use of a controlled substance to receive information and counseling regarding venereal disease (VD), hepatitis B (HbV), human immunodeficiency virus (HIV), and acquired immunodeficiency syndrome (AIDS). The court must order a person to be examined or tested for VD, HbV, and HIV or an antibody to HIV and to receive counseling, if the person is bound over to circuit court for any of the crimes listed above and there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant, or if the person is convicted of any of those offenses. The bill provides that the information, counseling, and testing requirements also would apply to anyone arrested for and charged with, bound over to circuit court for, or convicted of a violation of Section 145a of the Michigan Penal Code; Section 145a makes it a misdemeanor to accost, entice, or solicit a child under age 16 with intent to induce or force the child to commit an immoral act or submit to sexual intercourse, gross indecency, or any other act of depravity or delinquency.

Currently, if the victim with whom the defendant engaged in sexual penetration or contact or who was exposed to bodily fluid during the course of the crime consents, the court must provide the tester or testing agency with the name, address, and telephone number of the victim. After the defendant has been examined or tested the tester or testing agency must give the results to the victim. The bill provides that if the victim were a minor or were otherwise incapacitated, the victim's parent or guardian could give the required consent.

MCL 333.5129

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would result in an indeterminate increase in State and local health department expenditures for HIV and venereal disease testing, counseling, and partner notification activities. Data on the numbers of individuals, statewide, who are arrested or bound over for, or convicted of child

molesting are not available. Therefore, it is not possible to provide a total cost estimate for the bill. The HIV and syphilis screening costs per individual would be less than \$4. The confirmatory testing, counseling, and contact notification of an individual who was positive on the original screening would be between \$250 and \$300. These individual cost estimates do not include administrative, travel, or pre- and post-test counseling costs for persons who are negative on the initial screening.

Fiscal Analyst: P. Graham

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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.