

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 7 (Substitute S-1 as reported)

Sponsor: Senator Mike Rogers

Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to prohibit the use of the Internet, a computer, or a computer program, network, or system to communicate with any person for the purpose of doing any of the following: 1) committing, attempting to commit, conspiring to commit, or soliciting another to commit any of the following crimes, when the victim or intended victim was a minor: involvement in child sexually abusive activity or material; kidnapping; stalking or aggravated stalking; first-, second-, third-, or fourth-degree criminal sexual conduct (CSC); or assault with intent to commit CSC; or 2) committing, attempting to commit, conspiring to commit, or soliciting another to commit any of the following: soliciting a child for immoral purposes; recruiting or inducing a minor to commit a felony; or kidnapping a child under the age of 14. The bill would take effect 90 days after its enactment.

A violation would be a felony, punishable by up to two years' imprisonment, a maximum fine of \$2,000, or both. If an offender had one or more prior convictions, the maximum penalty would be five years' imprisonment and/or a \$5,000 fine. A person could be charged with, convicted of, or punished for any other violation of law committed while violating or attempting to violate the bill, including the underlying offense. A sentencing court could order that a term of imprisonment imposed under the bill be served consecutively to and preceding any term of imprisonment imposed for the underlying offense.

Proposed MCL 750.145d

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 7 (S-1) and 217 (S-1) would result in an indeterminate, yet potential additional cost for State and local government. In 1996, 2,386 criminal dispositions involved sections of the Penal Code dealing with child abusive commercial activity, kidnapping, stalking, or CSC. About half of these offenders were sentenced to prison and half received jail, probation, or other sanctions. It is unknown how many of the victims were minors or how many offenders used the Internet to facilitate the crime. Additionally, in 1996, three criminal dispositions involved soliciting a minor to commit a crime. It appears that no criminal dispositions involved child kidnapping or enticement.

Given that the average cost of incarcerating a prisoner is about \$18,000, and that under current law, an offender with a two-year maximum spends about 16 months in prison, the bill's added penalty would increase the cost of a prison term about \$24,000. The prison term for a second or subsequent offense, under current sentencing practices, would increase a prison term by about 40 months, for an additional cost of \$60,000. If one assumed that 5% of the 1996 criminal dispositions with prison terms involved minors, the Internet, and nonconcurrent sentences, and that half were second or subsequent offenses, prison term costs could increase by \$2,310,000 in the long run.

Date Completed: 2-4-99

Fiscal Analyst: K. Firestone

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Analysis available @ <http://www.michiganlegislature.org>

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.