

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 7 (as introduced 1-13-99)
Senate Bill 217 (as introduced 2-2-99)
Sponsor: Senator Mike Rogers (Senate Bill 7)
Senator George Z. Hart (Senate Bill 217)
Committee: Judiciary

Date Completed: 2-3-99

CONTENT

Senate Bills 7 and 217 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to establish felony penalties for use of the Internet to commit certain crimes involving a minor.

Senate Bill 7

The bill would prohibit the use of the Internet to communicate with any person for the purpose of doing any of the following:

- 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 (MCL 750.145c); kidnapping (MCL 750.349); stalking or aggravated stalking (MCL 750.411h & 750.411i); first-, second-, third-, or fourth-degree criminal sexual conduct (CSC) (MCL 750.520b-750.520e); or assault with intent to commit CSC (MCL 750.520g).
- Committing, attempting to commit, conspiring to commit, or soliciting another to commit any of the following: solicitation of a child for immoral purposes (MCL 750.145a); recruitment or inducement of a minor to commit a felony (MCL 750.157c); kidnapping of a child under the age of 14 (MCL 750.350); or parental kidnapping (MCL 750.350a).

A violation of the bill would be a felony. A first offense would be punishable by up to two years' imprisonment, a maximum fine of \$2,000, or both. A second or subsequent offense would be punishable by up to five years' imprisonment, a maximum fine of \$5,000, or both. A term of imprisonment imposed for a violation of the bill could be served consecutively to and preceding any term of imprisonment imposed for the underlying offense.

The bill specifies that it would not prohibit a person from being charged with, convicted of, or punished for any other violation of law committed while violating the bill, including the underlying offense.

Under the bill, "internet" would mean an interconnection of individual computers and computer networks and the equipment and facilities used to gain access to those interconnected networks. "Minor" would mean a person who was under 18 years of age.

Senate Bill 217

The bill would include in statutory sentencing guidelines the offense of using the Internet for crimes involving minors as proposed by Senate Bill 7. A first offense, which would be punishable by up to

two years' imprisonment, would be categorized as a Class G felony against a person; a second offense, which would be punishable by up to five years' imprisonment, would be categorized as a Class E felony against a person.

Proposed MCL 750.145d (S.B. 7)
MCL 777.16g (S.B. 217)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 7 and 217 would result in an indeterminate, yet potential additional cost for State and local government. In 1996, 2,386 criminal dispositions involved Section 145c, 349, 411h, 411i, 520b-520e, or 520g of the Penal Code, dealing with child abusive commercial activity, kidnapping, stalking, or criminal sexual conduct. Of the 2,386 criminal dispositions, about half of the 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 Section 157c of the Penal Code dealing with soliciting a minor to commit a crime. It appears that no criminal dispositions involved Section 350, 350a, or 145a of the Penal Code, dealing with child kidnapping and 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 sentence would spend about 16 months in prison, the added penalty under the proposed legislation 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. Although there is no way of knowing how many of the 1996 criminal dispositions involved minors and Internet facilitation, 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.

Fiscal Analyst: K. Firestone

S9900\57sa

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.