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**SFA****BILL ANALYSIS**

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Senate Bill 562 (Substitute S-2 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 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.
- Solicitation of a child for immoral purposes; recruitment or inducement of a minor to commit a felony; or kidnapping a child under the age of 14.
- An explosives offense listed in Chapter 33 of the Code; causing a death by explosives; selling explosives to a minor; or falsely reporting a crime or issuing a bomb threat.

A violation involving an offense against a minor would be a felony, punishable by up to two years' imprisonment and/or a maximum fine of \$2,000; a violation involving bombing or false reporting, or a second or subsequent conviction for an offense involving a child, would be punishable by up to five years and/or \$5,000.

Proposed MCL 750.145d

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The bill would result in an indeterminate, yet potential additional cost for State and local government. In 1997, 2,406 criminal dispositions involved child abusive commercial activity, kidnapping, stalking, or CSC. Of those, 53% were sentenced to prison and the 47% were sentenced to 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. In 1997, three criminal dispositions involved soliciting a minor to commit a crime. It appears that no criminal dispositions involved child kidnapping and enticement. In addition, 41 dispositions involved bombing. Of those, 24% received prison sentences.

Given that the average cost of incarcerating a prisoner is \$22,000 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 bill would increase the cost of a prison term about \$29,300. The penalty for a second or subsequent offense, under current sentencing practices, would increase a prison term by about 40 months, for an additional cost of \$73,300. If one assumed that 5% of the 1997 criminal dispositions with prison terms involved minors, the Internet, and nonconcurrent sentences, and that half were second or subsequent offenses, prison costs would increase by \$3,283,200 in the long run.

To the extent that a conviction for this crime would not prohibit a conviction for another crime from the same transaction, and the term of this sentence could be served consecutively or concurrently, the length of sentence for certain offenders could increase.

Date Completed: 5-10-99

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.