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BILL ANALYSIS

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House Bill 4359 (as passed by the House)  
Sponsor: Representative Jennifer Faunce  
House Committee: Criminal Law and Corrections  
Senate Committee: Judiciary

Date Completed: 11-8-00

### **CONTENT**

The bill would amend the Michigan Penal Code to revise the definition of "sexual contact" in the Code's criminal sexual conduct (CSC) provisions.

"Sexual contact" includes the intentional touching of a victim's or actor's "intimate parts" or the intentional touching of the clothing covering the immediate area of those parts, if the intentional touching can reasonably be construed as being for "the purpose of sexual arousal or gratification". Under the bill, the definition would apply if the intentional touching could reasonably be construed as being done for a sexual purpose or in a sexual manner for revenge, to inflict humiliation, out of anger, or out of hatred. References to sexual arousal or gratification would be deleted. (The term "intimate parts" includes the primary genital area, groin, inner thigh, buttock, or breast of a human being.)

The felony of second-degree CSC and the misdemeanor of fourth-degree CSC involve sexual contact (as opposed to sexual penetration).

MCL 750.520a

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

To the extent that the bill would change the definition of "sexual contact" as used in the criminal statute for second- and fourth-degree criminal sexual conduct, the number of people convicted of these crimes could change. However, there are no data available to indicate how the number of offenders convicted of these crimes would be affected or the magnitude of the change. In 1998, there were 633 people convicted of second-degree criminal sexual conduct and 63 people convicted of the attempted crime. There are no statewide data available to determine how many offenders were convicted of fourth-degree criminal sexual conduct.

Fiscal Analyst: K. Firestone

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