

SENATE BILL No. 1268

May 16, 2000, Introduced by Senator JAYE and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 520d (MCL 750.520d), as amended by 1996
PA 155.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 520d. (1) A person is guilty of criminal sexual con-
2 duct in the third degree if the person engages in sexual penetra-
3 tion with another person and if any of the following circum-
4 stances exist:

5 (a) That other person is at least 13 years of age and under
6 16 years of age.

7 (b) Force or coercion is used to accomplish the sexual
8 penetration. Force or coercion includes but is not limited to
9 any of the circumstances listed in section 520b(1)(f)(i) to (v).

1 (c) The actor knows or has reason to know that the victim is
2 mentally incapable, mentally incapacitated, or physically
3 helpless.

4 (d) That other person is related to the actor by blood or
5 affinity to the third degree and the sexual penetration occurs
6 under circumstances not otherwise prohibited by this chapter. It
7 is an affirmative defense to a prosecution under this subdivision
8 that the other person was in a position of authority over the
9 defendant and used this authority to coerce the defendant to vio-
10 late this subdivision. The defendant has the burden of proving
11 this defense by a preponderance of the evidence. This subdivi-
12 sion does not apply if both persons are lawfully married to each
13 other at the time of the alleged violation.

14 (E) THE ACTOR IS A PERSON ADMITTED TO THE PRACTICE OF LAW IN
15 THIS STATE AND THE OTHER PERSON IS THE ACTOR'S CLIENT.

16 (2) Criminal sexual conduct in the third degree is a felony
17 punishable by imprisonment for not more than 15 years.