

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 103 (Substitute S-1 as reported)  
Senate Bill 104 (as reported without amendment)  
Sponsor: Senator Bev Hammerstrom (Senate Bill 103)  
          Senator Mike Goschka (Senate Bill 104)  
Committee: Judiciary (Senate Bill 103)  
          Families, Mental Health and Human Services (Senate Bill 104)

### **CONTENT**

Senate Bills 103 (S-1) and 104 would amend the Code of Criminal Procedure and the Revised Judicature Act (RJA), respectively, to delete references to Section 6 of Chapter 83 of the Revised Statutes of 1846 in the sentencing guidelines and the spousal privilege and confidential communication provisions. (Section 6, which would be repealed by Senate Bill 67, provides criminal penalties for people with certain mental disabilities or venereal diseases who get married, and for people who marry mentally disabled individuals.)

Senate Bill 103 (S-1) would delete from the sentencing guidelines the felony of marrying when afflicted by a mental or venereal disease in violation of Section 6 of Chapter 83 of the Revised Statutes of 1846. The offense is categorized as a Class H felony against a person, with a statutory maximum penalty of five years' imprisonment. The bill is tie-barred to Senate Bill 67.

Senate Bill 104 would delete the reference to Section 6 in the RJA's exemptions from the spousal and confidential communication privileges. Under the RJA, in a civil action or administrative proceeding, a husband may not be examined as a witness for or against his wife without her consent, and vice versa. Also, a married person, or a person who has been married previously, may not be examined in a criminal prosecution as to any communication made between that person and his or her spouse or former spouse during the marriage without the consent of the person to be examined. The RJA exempts from these privileges a case arising under Section 6 of Chapter 83 of the Revised Statutes of 1846.

MCL 777.15 (S.B. 103)  
600.2162 (S.B. 104)

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

According to the annual statistical report from the Department of Corrections, in 1998, there were no convictions for violations of Section 6 of Chapter 83 of the Revised Statutes of 1846. To the extent that 1998 is representative of other years, there should be no fiscal impact from the repeal of this section.

Date Completed: 2-9-01

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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.