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**SFA****BILL ANALYSIS**

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Senate Bill 1127 (as reported without amendment)  
Sponsor: Senator Joanne G. Emmons  
Committee: Judiciary

## **CONTENT**

The bill would amend the Michigan Penal Code to prohibit as criminal sexual conduct (CSC) sexual penetration or sexual contact with another person, if the actor (the person accused) were a teacher, administrator, or other employee, volunteer, or contractual services provider of a public or nonpublic school in which the other person was enrolled, or of the local or intermediate school district operating the school and providing services to its students.

The violation would be first-degree CSC if the act involved sexual penetration, or second degree CSC if it involved sexual contact, and the other person were at least 13 but less than 16 years old. The violation would be third-degree CSC if the act involved sexual penetration, or fourth-degree CSC if it involved sexual contact, and the other person were at least 16 but less than 18 years old.

Under the Code, first-degree CSC is a felony punishable by imprisonment for life or any term of years. Second-degree CSC is a felony punishable by up to 15 years' imprisonment. Third-degree CSC is a felony punishable by up to 15 years' imprisonment. Fourth-degree CSC is a misdemeanor punishable by up to two years' imprisonment, a maximum fine of \$500, or both. Under the bill, the third- and fourth-degree violations would not apply if the other person were emancipated or if the two people were lawfully married to each other at the time of the alleged violation.

MCL 750.520a-750.520e

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government.

According to the 1999 Department of Corrections Statistical Report, 437 people were convicted of first-degree criminal sexual conduct, 745 were convicted of second-degree CSC, 553 of third-degree, and 582 of fourth-degree CSC. The data do not describe the circumstances of the crime, which would indicate whether the offender was a teacher, administrator, volunteer, or other employee of the school the victim attended. Thus, there is no way to know to what extent, if at all, a teacher, administrator, volunteer, or other school employee convicted under the bill, would have been convicted under current law.

Table 1 shows the sentencing guidelines minimum sentence ranges for each of the offenses, at the low end and the high end of the guidelines. Offenders convicted of first-, second-, or third-degree criminal sexual conduct would receive probation or incarceration in a State facility. The State would incur the cost of probation at \$4.38 per day as well as incarceration at an average annual cost of \$25,000. Fourth-degree CSC offenders would likely receive probation or incarceration in a local facility. The State would incur the cost of probation, while local units would incur the cost of incarceration, which may vary by county from \$27 to \$65 per day.

Table 1

Sentencing Guideline Minimum Ranges		
Offense	Class	Minimum Range (Months)
CSC - First Degree	A	21-35 to 270-450 or Life
CSC - Second Degree	C	0-11 to 62-114
CSC - Third Degree	B	0-18 to 117-160
CSC - Fourth Degree	G	0-3 to 7-23

Date Completed: 11-13-02

Fiscal Analyst: Bethany Wicksall

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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.