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SFA**BILL ANALYSIS**

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Senate Bill 1127 (as introduced 2-21-02)
Sponsor: Senator Joanne G. Emmons
Committee: Judiciary

Date Completed: 4-24-02

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 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 that operated the school and provided services to students of that school.

The violation would be first-degree CSC if the act involved sexual penetration, or second degree CSC if it involved sexual contact, and both of the following conditions were met:

- The other person was at least 13 but less than 16 years old.
- The actor was a teacher, administrator, or other employee, volunteer, or contractual services provider of the school in which the other person was enrolled or of the district that operated the school.

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.

The violation would be third-degree CSC if the act involved sexual penetration, or fourth-degree CSC if it involved sexual contact, and both of the following conditions were met:

- The other person was at least 16 but less than 18 years old and a student at a public or nonpublic school.
- The actor was a teacher, administrator, or other employee, volunteer, or contractual services provider of the school or district.

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.

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.

Table 1 shows the number of offenders convicted of each of the applicable criminal sexual conduct offenses according to the 1999 Department of Corrections Statistical Report. 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

1999 Criminal Sexual Conduct (CSC) Offenses	
CSC - First Degree	437
CSC - Second Degree	745
CSC - Third Degree	553
CSC - Fourth Degree	582

Table 2 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 criminal sexual conduct 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 2

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

Fiscal Analyst: Bethany Wicksall

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