

CRIMINAL SEXUAL CONDUCT: COACHES

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House Bill 6307

Sponsor: Rep. Judy Emmons

Committee: Judiciary

Complete to 9-5-06

A SUMMARY OF HOUSE BILL 6307 AS INTRODUCED 7-12-06

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) is a coach at a public or nonpublic school where the other person is enrolled.

The same prohibition already applies to a teacher, substitute teacher, and school administrator. (However, these individuals are also subject to fourth-degree CSC, which involves sexual contact, if the victim is at least 16 but less than 18 years of age).

The newly added violation would be first-degree CSC if the act involved sexual penetration and the other person were at least 13 but less than 16 years old, and second degree if it involved sexual contact and the other person were at least 13 but less than 16 years old. (Separate provisions address CSC violations for children under 13, and they apply regardless of occupation.)

The newly added violation would be third-degree CSC if the act involved sexual penetration and the other person were at least 16 but less than 18 years old. However, the third-degree violation 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.

(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 imprisonment for up to 15 years. Third-degree CSC is a felony punishable by imprisonment for up to 15 years.

In addition, recent legislation that took effect August 28, 2006 increased the penalties for adults 17 years of age or older whose victim is less than 13 years of age, as follows:

- First-degree CSC – Life or any term of years, but a minimum of 25 years; life without parole if previously convicted of 1st, 2nd, 3rd, 4th, or assault with intent to commit CSC and the victim was under 13; and lifetime electronic monitoring.
- Second-degree CSC – Lifetime electronic monitoring.)

MCL 750.520b, 750.520c, and 750.520d

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the state and local units of government, depending on how it affected the numbers and types of criminal convictions. To the extent that the bill increased the numbers of individuals convicted of criminal sexual conduct, it could increase costs for the state or local units of government. Costs of felony probation supervision (about \$2,000 per supervised offender annually) or prison incarceration (about \$30,000 per prisoner annually) would be borne by the state, while the cost of any jail sentence would be borne by the county (costs vary from county to county).

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.