



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 158 (Substitute S-2 as reported)
Senate Bill 760 (Substitute S-1 as reported)
Sponsor: Senator Ron Jelinek
Committee: Judiciary

CONTENT

Senate Bill 158 (S-2) would amend the Michigan Penal Code to do all of the following:

- Include in the factors that constitute second-degree child abuse a person's reckless act that caused serious mental harm to a child.
- Include in the factors that constitute third- and fourth-degree child abuse a person's knowing or intentional act that the person knew, or should have known, was likely to cause physical harm to a child.
- Designate third-degree child abuse as a felony rather than a misdemeanor.
- Provide that conduct that was a reasonable response to domestic violence would be an affirmative defense to a prosecution for child abuse.

Senate Bill 760 (S-1) would amend the Code of Criminal Procedure to revise the sentencing guidelines MCL citation for third-degree child abuse.

The bills would take effect 90 days after their enactment. Senate Bill 760 (S-1) is tie-barred to Senate Bill 158.

MCL 750.136b (S.B. 158)
777.16g (S.B. 760)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many additional offenders would be convicted of the child abuse offenses if the factors were expanded. In 2005, 101 offenders were convicted of second-degree child abuse or attempting the offense. Of these, 17 were sentenced to prison, 58 to probation, 26 to jail, and three to other types of sentences such as Holmes Youthful Trainee probation, or delayed or suspended sentences. In 2005, 127 offenders were convicted of third-degree child abuse. Eleven of these offenders were sentenced to prison, 94 to probation, 21 to jail, and one to another type of sentence. To the extent that the bills resulted in increased incarceration time, local governments would incur increased costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$33,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 3-12-08

Fiscal Analyst: Lindsay Hollander