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**BILL ANALYSIS**

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Senate Bill 386 (Substitute S-2 as reported by the Committee of the Whole)  
Sponsor: Senator Bruce Patterson  
Committee: Judiciary

**CONTENT**

The bill would amend the Michigan Penal Code to include in criminal sexual conduct (CSC) offenses sexual penetration or sexual contact involving an employee, contractual service provider, or volunteer of a school, school district, or intermediate school district (ISD) in which the other person was enrolled or a public employee assigned to provide any service to a school, district, or ISD; and to include as first- or second-degree CSC sexual penetration or contact involving a special education student and a teacher, substitute teacher, administrator, employee, contractual service provider, volunteer, or assigned public employee. The bill would take effect 90 days after its enactment.

Under the Code, first- and second-degree offenses include situations in which the other person is at least 13 but under 16 and the actor is a teacher, substitute teacher, or administrator of the public or nonpublic school in which the other person is enrolled. Third- or fourth-degree offenses include situations in which the other person is 16 or 17 and a student at a public or nonpublic school, and the actor is a teacher, substitute teacher, or administrator of that school. In all of these offenses, the bill would include an actor who was an employee or contractual service provider of the school, district, or ISD where the other person was enrolled, or a volunteer who was not a K-12<sup>th</sup> grade student in any school or a public employee assigned to provide any service to a school, district, or ISD.

The bill also would include in first- or second-degree CSC a situation in which the other person was at least 16 years old but under 26 and was receiving special education services, and the actor was a teacher, substitute teacher, administrator, employee, or contractual service provider of the public or nonpublic school, school district, or ISD from which the victim received special education services, or the actor was a volunteer who was not a student in any school in K-12<sup>th</sup> grade or an assigned public employee.

MCL 750.520b-750.520e

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of CSC under the proposed circumstances. In 2005, 2,976 offenders were convicted of first-, second-, third, and fourth degree CSC. Of these offenders, 1,860 were sentenced to prison, 770 to probation, and 208 to jail, and 138 received other types of sentences, such as delayed and suspended sentences, or Holmes Youthful Trainee Act probation. To the extent that the bill resulted in increased incarceration time, local governments would incur increased costs of incarceration in local facilities, which vary by county. The State would incur increased costs of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 5-16-07

Fiscal Analyst: Lindsay Hollander

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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.