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**BILL ANALYSIS**

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Senate Bill 386 (as introduced 3-29-07)  
Sponsor: Senator Bruce Patterson  
Committee: Judiciary

Date Completed: 4-30-07

**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 an employee or contractual service provider of a public or nonpublic school in which the other person was enrolled or if the actor were a volunteer who was not a student at the school.**

Under the Code, a person is guilty of first-degree CSC if he or she engages in sexual penetration with another person and any of the circumstances listed in the Code exist. A person is guilty of second-degree CSC if he or she engages in sexual contact and any of the listed circumstances exist. For both first- and second-degree CSC, the circumstances include situations in which the other person is at least 13 years old but under 16 and the actor (the person accused) is a teacher, substitute teacher, or administrator of the public or nonpublic school in which the other person is enrolled.

Third- or fourth-degree CSC is committed if a person engages in sexual penetration or sexual contact, respectively, with another person under other circumstances described in the Code. These include situations in which the other person is 16 or 17 years old 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 provisions, the bill would include an actor who was an employee or contractual service provider of the school in which the other person was enrolled, or a volunteer at that school who was not a student there.

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. Enhanced penalties apply if first- or second-degree CSC is committed by a person who is at least 17 against someone under 13.

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.

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 these offenses under the proposed circumstances. In 2005, 2,976 offenders were convicted of criminal sexual conduct in the first-,

second-, third, and fourth degree. Of the 2,976 offenders, 1,860 were sentenced to prison, 770 were sentenced to probation, 208 were sentenced 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 \$31,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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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.