



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5041 (Substitute H-3 as passed by the House)
Sponsor: Representative Mark Meadows
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 12-4-08

CONTENT

The bill would amend the Michigan Penal Code to modify the element of second-degree criminal sexual conduct (CSC) involving a county prisoner or probationer.

Under the Code, a person is guilty of second-degree CSC if he or she engages in sexual contact with another person and one of the other conditions listed in the Code exists. These include circumstances in which the other person is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work or other probationary program and the actor is an employee or a contractual employee of, or a volunteer with, the county or the Department of Corrections and knows that the other person is under the county's jurisdiction. Under the bill, the actor also would have to have engaged in sexual contact with the victim while the victim was imprisoned or used his or her position of authority over the victim to gain access to or to coerce or otherwise encourage the victim to engage in sexual contact during any term of supervision.

MCL 750.520c

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. In 2006, two offenders were convicted of second-degree criminal sexual conduct involving another person who was a county prisoner or probationer. One was sentenced to prison and the other was sentenced to probation. Additionally, 168 offenders were convicted of second-degree CSC with multiple variables, which could include circumstances involving another person who was a county prisoner or probationer. To the extent that the bill would reduce convictions, local governments would incur decreased costs of incarceration in local facilities, which vary by county. The State would incur decreased costs of felony probation for an annual average saving of \$2,000, as well as decreased costs of incarceration in a State facility for an average annual saving of \$32,000.

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.