

Legislative Analysis



CRIMINAL SEXUAL CONDUCT: FOSTER HOMES & CHILD CARE ORGANIZATIONS

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Senate Bill 934

Sponsor: Sen. Rick Jones

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 10-15-12

A SUMMARY OF SENATE BILL 934 AS PASSED BY THE SENATE 3-20-12

The bill would include in first-, second-, third-, and fourth-degree criminal sexual conduct (CSC) situations in which an employee, contractual service provider, or volunteer of a child care organization, or operator of a foster family home or foster family group home engaged in sexual conduct or sexual contact with a child during that child's residency.

Senate Bill 934 would amend the criminal sexual conduct (CSC) provisions within the Michigan Penal Code. This section lists the conduct for which a person would be guilty of CSC. The bill would add circumstances in which the actor (person committing the offense) was an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home in which that other person (the victim) is a resident, and the sexual conduct occurred during the period of that other person's residency.

Under the bill, a person would be guilty of first- or second-degree CSC if the other person was at least 13 but less than 16 years when the sexual penetration (1st degree) or sexual contact (2nd degree) occurred. A person would be guilty of third- or fourth degree if the other person was at least 16 years of age when the sexual penetration (3rd degree) or sexual contact (4th degree) occurred.

"Child care organization," with some exceptions, means a governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. This includes organizations commonly described as child caring institutions, child placing agencies, children's camps, children's campsites, children's therapeutic group homes, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or child care homes.

"Foster family home" means a private home in which up to four minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

The term "foster family group home" means a similar private home in which more than four but fewer than seven minor children are given care and supervision.

MCL 750.520b et al.

FISCAL IMPACT:

To the extent that relevant persons affiliated with child care organizations or licensed foster homes are convicted of criminal sexual conduct, the bill would likely increase the length of state prison sentences and other probation or jail sanctions for those persons. Data is not available to evaluate how many offenders might fall under the bill's criteria for the more serious offenses. Greater lengths of stay in prison, jail, or on probation would increase costs on state and local correctional systems. The average cost of prison incarceration in a state facility is roughly \$34,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. The cost of local incarceration in a county jail varies by jurisdiction. Costs of parole and felony probation supervision, exclusive of the cost of electronic tether, average about \$2,300 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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