



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 934 (as enacted)
Sponsor: Senator Rick Jones
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 372 of 2012

Date Completed: 1-3-13

CONTENT

The bill amends the Michigan Penal Code to include in first-, second-, third-, and fourth-degree criminal sexual conduct (CSC) a situation in which an employee, contractor, or volunteer of a child care organization or a foster home licensee engages in sexual penetration or sexual contact with a resident of a foster home.

Under the Penal Code, a person is guilty of first- or third-degree CSC if he or she engages in sexual penetration with another person, or is guilty of second- or fourth-degree CSC if he or she engages in sexual contact with another person, under certain circumstances.

Under the bill, those circumstances will include that the actor is 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 the other person is a resident, and the sexual penetration or sexual contact occurs during the period of the person's residency.

The offense will be first- or second-degree CSC if the other person is at least 13 but less than 16 years old. The offense will be third- or fourth-degree CSC if the other person is at least 16.

(First-degree CSC is a felony punishable by imprisonment for life or for any term of years. Second- or third-degree CSC is felony punishable by up to 15 years' imprisonment. Fourth-degree CSC is a misdemeanor punishable by up to two years'

imprisonment and/or a maximum fine of \$500.)

Under the bill, "child care organization", "foster family home", and "foster family group home" mean those terms as defined in the child care licensing law. ("Child care organization" means a governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision.

"Foster family home" means a private home in which one to four minor children who are not related to an adult member of the household 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. "Foster family group home" means such a home in which more than four but fewer than seven minor children are placed.)

The bill will take effect on April 1, 2013.

MCL 750.520b-750.520e

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have an indeterminate fiscal impact on State and local government. There are no data to indicate how many additional offenders will be convicted under the expanded definitions of criminal sexual contact. For those convicted, the State incurs the costs of incarceration of

approximately \$34,000 annually, as well as the costs of felony probation at approximately \$2,500 annually. Local units also incur costs associated with incarceration, which vary by county. Additional penal fine revenue benefits public libraries.

Fiscal Analyst: Dan O'Connor

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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.