



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



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

Senate Bills 205 and 206 (as enacted)

**PUBLIC ACTS 326 & 327 of 2014**

Sponsor: Senator Judy K. Emmons (S.B. 205)

Senator Tonya Schuitmaker (S.B. 206)

Senate Committee: Families, Seniors and Human Services

House Committee: Criminal Justice

Date Completed: 1-9-15

**CONTENT**

**Senate Bill 205 amends the Michigan Penal Code to make it a felony for a person to engage or offer to engage another person, who is under the age of 18 and who is not the person's spouse, for the purposes of prostitution.**

**Senate Bill 206 amends the Code of Criminal Procedure to include in the sentencing guidelines the offense enacted by Senate Bill 205, as well as those enacted in House Bills 5231 and 5234.**

Senate Bill 205 was tie-barred to House Bill 5012 (Public Act 336 of 2014). Senate Bill 206 was tie-barred to Senate Bill 205 and House Bills 5231 and 5234 (Public Acts 331 and 329 of 2014, respectively). All of the bills except House Bill 5234 will take effect on January 14, 2015. House Bill 5234 took effect on October 16, 2014.

**Senate Bill 205**

Section 449a of the Penal Code specifies that a person who engages or offers to engage the services of a female person, not his wife, for the purposes of prostitution, lewdness, or assignation, by the payment in money or other consideration, is guilty of a misdemeanor. The bill removes gender-specific references in the description of this offense. The bill also specifies that a person who engages or offers to engage another person, who is under the age of 18 and who is not the person's spouse, for the purposes of prostitution by payment in money or other forms of consideration is guilty of a crime punishable as provided in Section 451.

(As amended by Public Act 336 of 2014, Section 451 provides that the offense is punishable by up to five years in prison or a fine of up to \$10,000, or both. If the person solicited is not under 18, the offense is a misdemeanor punishable by up to 93 days in prison or a fine of up to \$500, or both (as it currently is, regardless of the person's age). Enhanced sentences apply if the offender has one or more prior convictions of prostitution-related offenses.)

Currently, a person 16 years of age or older who aids, assists, or abets another person to commit or offer to commit an act prohibited under Section 448 or 449 is guilty of a crime punishable as provided in Section 451. The bill extends this to an act prohibited under Section 449a. (Section 448 prohibits a person who is 16 or older from soliciting a person from a public place or from a building or vehicle to commit prostitution or do any other lewd

or immoral act. Section 450 prohibits a person who is 16 or older from receiving or admitting a person into, or knowingly allowing a person to remain in, a place, building, or vehicle for the purpose of prostitution, lewdness, or assignation. The penalty under Section 451 is the same as described above for a violation of Section 449a.)

### **Senate Bill 206**

The bill includes the felony created by Senate Bill 205 in the sentencing guidelines as a Class E crime against a person with a statutory maximum of five years. The bill also includes offenses amended or created by House Bills 5231 and 5234. (House Bill 5231 eliminates gender references from certain prostitution provisions. House Bill 5234 amends the provisions of Chapter 67A (Human Trafficking) of the Penal Code.)

In addition, for a violation of the Section 462f(3) of the Penal Code, Senate Bill 206 provides for sentencing to be based on the offense category, offense variable level, and prior record variable level based on the underlying offense. (Section 462f(3), as amended by House Bill 5234, specifies that a person who attempts, conspires, or solicits another to violate Chapter 67A is subject to the same penalty as a person who commits a violation.)

MCL 750.449a & 750.450 (S.B. 205)  
777.16w (S.B. 206)

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bills will have an indeterminate, but likely slight, fiscal impact on State and local government. The bills will expand felony prosecution to people who engage a person under the age of 18 to commit prostitution. This may result in an increase in the number of individuals found in violation of the Penal Code sections concerning prostitution. Since prostitution data are not broken out by the age of the person solicited, there is no information about how many offenders this extension will affect. Those committing the new felony might lead to an increase in incarceration costs for the State at an average of \$35,000 per prisoner per year.

Fiscal Analyst: John Maxwell

SAS\S1314\s205es

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.