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Senate Bill 1156 (as reported by the Committee of the Whole)
Senate Bill 1157 (as discharged)
Sponsor: Senator Judy K. Emmons (S.B. 1156)
Senator Tonya Schuitmaker (S.B. 1157)
Committee: Judiciary

CONTENT

Senate Bill 1156 would amend the Michigan Penal Code to prohibit and prescribe criminal penalties for the following:

- Committing, attempting, or threatening stalking, aggravated stalking, or an assaultive crime with the intent to coerce a pregnant female to have an abortion.
- Taking other coercive actions after being informed by a pregnant female that she did not want to obtain an abortion.

Specifically, a person having actual knowledge that a female was pregnant would be prohibited from committing, attempting to commit, or threatening to commit stalking, aggravated stalking, or an assaultive crime against her or any other person with the intent to coerce the pregnant female to have an abortion against her will. A violation would be punishable in the same manner as prescribed for the underlying offense committed, attempted, or threatened.

Also, after being informed by a pregnant female that she did not want to obtain an abortion, a person would be prohibited from doing any of the following with the intent to coerce her to have an abortion against her will:

- Discontinuing, attempting to discontinue, or threatening to discontinue support that the person had a legal responsibility to provide, or reducing that support to a level below his or her legal responsibility.
- Withdrawing, attempting to withdraw, or threatening to withdraw from a contract or agreement or otherwise violating the terms of a contract or agreement, having previously entered into a contract or other legally binding agreement to which the pregnant female was a party or beneficiary.
- Discharging or threatening to discharge her from employment.
- Engaging in coercion in relation to human trafficking, as defined in Section 462a of the Penal Code (threatening harm or physical restraint; abusing or threatening abuse of the legal system; or knowingly destroying concealing, removing, confiscating, or possessing an actual or purported passport or other immigration document or government ID).

This offense would be a misdemeanor punishable by a maximum fine of \$5,000. If the offender were the father or putative father of the unborn child and at least 18 years old at the time of the violation, and the pregnant female were under 18 at the time, the maximum fine would be \$10,000. ("Unborn child" would mean a live human being in utero, regardless of gestational stage of development.)

Senate Bill 1157 would amend the sentencing guidelines in the Code of Criminal Procedure to include coercing a female to have an abortion against her will.

Specifically, coercing a female to have an abortion against her will (by stalking, aggravated stalking, or an assaultive crime) would be included in the sentencing guidelines as a felony against a person with a variable classification and a variable statutory maximum penalty. For such a violation, the sentencing court would have to determine the offense class, offense variable level, and prior record variable level based on the underlying offense.

Both bills would take effect 90 days after their enactment. Senate Bill 1157 is tie-barred to Senate Bill 1156.

Proposed MCL 750.213a (S.B. 1156)
MCL 777.16l (S.B. 1157)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. If the coercion that would be prohibited under the bills were in the form of stalking or another assaultive crime, the violator would be punished according to the law that applies to that category of offense. Thus, the bills would be unlikely to result in any incarceration in addition to what would be allowed under current law, assuming that the violator was prosecuted for the underlying offense and the terms of imprisonment were concurrent (although consecutive sentencing would be allowed). Currently, for felony convictions, in the short term, the marginal cost to State government is approximately \$4,100 per additional prisoner per year. Over the long term, the marginal cost to the State is approximately \$31,100 per additional prisoner per year. To the extent that the underlying offenses would already be prosecuted, the costs to local courts and law enforcement would be unchanged. For violations of the proposed offense other than stalking and assault, the violator could be charged with a misdemeanor from which penal fine revenue of up to \$5,000 (or \$10,000 in some circumstances) would be dedicated to public libraries.

Date Completed: 12-11-14

Fiscal Analyst: John Maxwell

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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.