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House Bill 5231 (Substitute H-1 as passed by the House)  
House Bill 5232 (Substitute H-1 as passed by the House)  
Sponsor: Representative Joseph Graves  
Representative Nancy E. Jenkins  
House Committee: Criminal Justice  
Senate Committee: Families, Seniors and Human Services

Date Completed: 5-6-14

### **CONTENT**

**House Bill 5231 (H-1) would amend Chapter 67 (Prostitution) of the Michigan Penal Code to eliminate gender-specific language and the maximum fine for operating a house of prostitution.**

**House Bill 5232 (H-1) would amend the Code of Criminal Procedure to remove gender-specific language regarding two prostitution-related offenses, and revise the sentencing guidelines for pandering and accepting the earnings of a prostitute.**

House Bill 5232 (H-1) is tie-barred to House Bill 5231.

#### **House Bill 5231 (H-1)**

The Code provides that a person who keeps, maintains, or operates, or aids and abets in keeping, maintaining, or operating a house of ill fame, bawdy house, or a place for prostitution or lewdness is guilty of a felony punishable by imprisonment for up to five years or by a fine of not more than \$2,500, or both. The bill would increase the maximum fine to \$5,000.

Sections 455 through 460 of the Code pertain to prostitution and prostitution-related offenses. Each of these sections includes gender-specific language, referring to female person or a person's wife. The bill would eliminate the gender-specific language in these sections.

Section 460 provides that it is not a defense to a prosecution for any of the acts prohibited in Sections 455 through 459 that any part of the act was committed outside the State. The bill would extend this provision to all of the offenses listed in Chapter 67.

#### **House Bill 5232 (H-1)**

The Code of Criminal Procedure includes sentencing guidelines for detaining a "female" for debt and transporting a "female" for prostitution. The bill would refer instead to a "person".

In addition, pandering and accepting the earnings of a prostitute would be classified as Class B, rather than Class G, felonies.

MCL 750.452 et al. (H.B. 5231)  
777.16w (H.B. 5232)

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

### **House Bill 5231 (H-1)**

By removing gender-specific references in the context of prostitution, the bill could bring about more felony convictions as there would no longer be a distinction between male and female individuals in regard to prostitution under the law. The cost to State government is approximately \$35,000 per prisoner per year. The cost to local government would be in any additional resources required by the court and jail systems.

In addition, doubling that maximum fine for operating a house of prostitution could increase revenue for public libraries.

### **House Bill 5232 (H-1)**

The bill would raise the sentencing classification for two prostitution-related offenses which could result in a longer minimum sentence for some offenders. Felony convictions cost the State approximately \$35,000 per prisoner per year. The revised classification would have no direct fiscal impact on local government.

Fiscal Analyst: John Maxwell