



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 924 (as enacted)
House Bill 5626 (as enacted)
Sponsor: Senator Rick Jones (S.B. 924)
Representative Thomas B. Hooker (H.B. 5626)
Senate Committee: Families, Seniors and Human Services (S.B. 924)
House Committee: Judiciary

PUBLIC ACT 484 of 2016
PUBLIC ACT 481 of 2016

Date Completed: 1-19-17

CONTENT**House Bill 5626 amends the Michigan Adoption Code to do the following:**

- **Allow a prospective adoptive parent to advertise for or recruit, as well as solicit, biological parents or guardians of potential adoptees for the purposes of adoption.**
- **Allow a prospective adoptive parent or guardian, or a court, department, or child-placing agency, to advertise for or recruit, as well as solicit, potential adoptive parents for purposes of adoption.**
- **Refer in these provisions to "court-supervised adoption".**
- **Define "advertise for, solicit, or recruit".**
- **Provide that no person or entity other than one specified in the Code may advertise for, solicit, or recruit prospective parents for the purpose of facilitating the transfer, adoption, or other permanent placement of a child, and extend criminal penalties to a violation of this provision.**

Senate Bill 924 amends the sentencing guidelines in the Code of Criminal Procedure to revise the description of the offense that House Bill 5626 modifies.

The bills will take effect on April 6, 2017.

House Bill 5626 is described in more detail below.

Under the Michigan Adoption Code, only a person specified in certain sections of the Code may place a child for adoption. (Those sections allow a parent or guardian having legal and physical custody of a child, a child placing agency or the department that acquires legal and physical custody of a child, or a court that acquires legal and physical custody of a child, to place the child for adoption.)

The Code allows only a prospective adoptive parent to solicit biological parents or guardians of potential adoptees for the purposes of adoption. The bill allows a prospective adoptive parent to advertise for, solicit, or recruit biological parents or guardians of potential adoptees for the purposes of a court-supervised adoption.

The Code also allows only a biological parent or guardian, or the court, department, or child-placing agency with authority to place a child, to solicit potential adoptive parents for purposes of adoption of the child. The bill allows those individuals or entities to advertise for, solicit, or

recruit potential adoptive parents only to fulfill the purposes of a court-supervised adoption of the child.

The bill states that no other person or entity may advertise for, solicit, or recruit prospective parents for the purpose of facilitating the transfer, adoption, or other permanent placement of a child.

A violation of the current provisions is a misdemeanor punishable by imprisonment for up to 90 days or a maximum fine of \$100, or both, for the first violation. A subsequent violation is a felony punishable by imprisonment for up to four years and/or a maximum fine of \$2,000. These penalties also will apply to a violation of the bill's provisions.

The Code defines "solicit" as contact in person, by telephone or telegraph, by letter or other writing, or by other communication directed to a specific recipient. The term does not include public communication that is not directed to specific individuals. The bill, instead, defines "advertise for, solicit, or recruit" as to communicate in person, in writing, or via any medium, public or private, for the purpose of locating a previously unknown person or entity with whom to temporarily or permanently place a child.

MCL 777.15f (S.B. 924)
710.55 (H.B. 5626)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bill 5626

The bill may have a negative fiscal impact on the State and local government. More misdemeanor and felony arrests and convictions may increase resource demands on law enforcement, court systems, community supervision, jails and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government will be approximately \$3,764 per prisoner per year. In the long term, if the increased intake of prisoners increases the total prisoner population enough to require the Department of Corrections to open a housing unit or an entire facility, the marginal cost to State government will be approximately \$34,550 per prisoner per year. Any associated increase in fine revenue will be dedicated to public libraries.

Senate Bill 924

The bill will have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law). According to one interpretation of that decision, the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill will not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction will depend on judicial decisions.

Fiscal Analyst: Ryan Bergan

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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.