



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4248 (Substitute H-1 as reported without amendment)
House Bill 4501 (as reported without amendment)
Sponsor: Representative Chris Afendoulis (H.B. 4248)
Representative Kurt Heise (H.B. 4501)
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

House Bill 4248 (H-1) would amend the Michigan Penal Code to make it a felony to take away or entice any minor under 16, instead of a female under 16 years of age, for the purpose of prostitution, concubinage, sexual intercourse, or marriage. The offense is punishable by up to 10 years' imprisonment.

The bill also would repeal the following provisions of the Penal Code:

- Sections 34, 35, 36, 37, and 39, which prohibit certain "immoral" advertising relating to sexual diseases or afflictions or medications for them.
- Section 52, which specifies that it is the duty of law enforcement officers to arrest and prosecute those who violate certain provisions regarding the mistreatment of animals.
- Section 97, which prohibits willfully and maliciously making, circulating, or transmitting any statement, rumor, or suggestion that is derogatory to the financial condition, or affects the solvency or financial standing, of a bank or other financial institution.
- Sections 172 and 173, which deal with challenging or accepting a challenge to a duel, and using any reproachful or contemptuous language concerning another person for not fighting a duel or not sending or accepting a challenge of a duel; and Section 173a, which excludes the sport of fencing from the dueling provisions.
- Section 319, which provides that a person who fights a duel and inflicts a mortal wound is guilty of first-degree murder.
- Section 320, which provides that a person who is present as the second of either party to a duel at which a mortal wound is inflicted is an accessory to murder.
- Section 203, which specifies that the regulations formulated by the Interstate Commerce Commission, pursuant to a former Federal law, are binding upon all common carriers engaged in intrastate commerce within Michigan that transport explosives by land.
- Section 337, which prohibits using indecent, immoral, obscene, vulgar, or insulting language in the presence or hearing of any woman or child.
- Section 501, which prohibits building a gas station or public automobile garage in certain residential areas of certain cities, without first filing with the city clerk the written consent of 60% of the property owners within a radius of 400 feet of the proposed site.
- Chapter 83, which prohibits "The Star Spangled Banner" from being publicly performed, except as an entire and separate composition or number and without embellishments.

The bill also would repeal the following laws:

- Section 114 of the Michigan Code of Military Justice, which provides that a person subject to that Code who is involved in fighting a duel, or who knows of a challenge and fails to report it promptly, must be punished as directed by a court martial.

- The Toxic Substance Control Commission Act, which established and prescribed the powers and duties of the State Toxic Substance Control Commission.
- The Hazardous Substances Act, which regulates the intrastate distribution and sale of hazardous substances intended or suitable for household use.
- Public Act 280 of 1965, which provides for the licensing and regulation of slaughterhouses; edible rendering establishments; and wholesale fabricating, processing, and storage establishments.
- Section 51508 of the Natural Resources and Environmental Protection Act, which authorizes the Department of Natural Resources to call to its assistance in emergencies any able-bodied male who is at least 18 years old, and requires the man to assist.
- Public Act 269 of 1937, which prohibits buying or selling, or offering to buy or sell, the unused portion of any nontransferable ticket issued by any railroad or steamship company or bus line if the ticket is restricted to use only by the original buyer or the person for whom the ticket was originally issued.

House Bill 4501 would amend the Code of Criminal Procedure to delete sentencing guidelines designations for two felonies that House Bill 4248 (H-1) would repeal.

House Bill 4501 is tie-barred to House Bill 4248. Each bill would take effect 90 days after enactment.

MCL 750.13 et al. (H.B. 4248)
777.12m & 777.16e (H.B. 4501)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills could have offsetting fiscal impacts on State and local government. By broadening the enticement offense to include the enticement of males under 16 years of age, House Bill 4248 (H-1) could result in convictions for violations that otherwise would not be prosecuted. Since 1999, there have been approximately 12 convictions under this section. For any new felony convictions, in the short term, the marginal cost to State government would be approximately \$4,100 per additional prisoner per year. Over the long term, the marginal cost to State government would be approximately \$31,100 per additional prisoner per year. With any increase in the number of felony cases, costs to local courts and law enforcement could increase. Additionally, any increase in collected fine revenue would be dedicated to public libraries.

Concerning the sections that would be repealed, State government would save funds from no longer incarcerating individuals under the felony sections. According to felony court dispositions from 1999 to 2013, there have been no convictions for any of the affected felonies. Local government would save funds from avoided court costs in felony and misdemeanor cases, and from avoided costs of incarceration under the misdemeanor sections. To the extent that penal fines are currently collected under any of the sections that would be repealed, public libraries would no longer receive that revenue.

Date Completed: 9-25-15

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.