

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

***** 750.90.amended THIS AMENDED SECTION IS EFFECTIVE OCTOBER 10, 2023 *****

750.90.amended Sexual contact or penetration under pretext of medical treatment; definitions.

Sec. 90. (1) An individual who undertakes medical treatment of a patient and in the course of that medical treatment misrepresents to the patient that sexual contact between the individual and the patient is necessary or will be beneficial to the patient's health and who induces the patient to engage in sexual contact with the individual by means of the misrepresentation is guilty of a felony punishable by imprisonment for not more than 20 years.

(2) An individual who undertakes medical treatment of a patient and in the course of that medical treatment misrepresents to the patient that sexual penetration between the individual and the patient is necessary or will be beneficial to the patient's health and who induces the patient to engage in sexual penetration with the individual by means of the misrepresentation is guilty of a felony punishable by imprisonment for not more than 25 years.

(3) This section does not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that is committed by that individual while violating this section.

(4) The court may order a term of imprisonment imposed for a violation of this section to be served consecutively to a term of imprisonment imposed for any other crime, including any other violation of law arising out of the same transaction as the violation of this section.

(5) As used in this section:

(a) "Medical treatment" includes an examination or a procedure.

(b) "Patient" means a person who has undergone or is seeking to undergo medical treatment.

(c) "Sexual contact" means the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner.

(d) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, regardless of whether semen is emitted, if that intrusion can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.90;—Am. 2023, Act 58, Eff. Oct. 10, 2023.

Former law: See section 1 of Act 172 of 1883, being How., § 9314e; CL 1897, § 11721; CL 1915, § 15505; and CL 1929, § 16847.