

Legislative Analysis



MODIFY DEFINITION OF 2ND DEGREE CSC

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House Bill 4315

Sponsor: Rep. Mark Meadows

Committee: Judiciary

Complete to 3-3-09

A SUMMARY OF HOUSE BILL 4315 AS INTRODUCED 2-17-09

The bill would amend the Michigan Penal Code (MCL 750.520c) to modify one of the listed scenarios that constitutes criminal sexual conduct (CSC) in the second degree. Currently, a person who is affiliated as an employee or volunteer with the county or the state Department of Corrections is guilty of second degree CSC if the victim is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program or other probationary program (and the person engaging in the conduct knows that the victim is under the county's jurisdiction).

House Bill 4315 would modify the above definition so that it would apply to an employee or volunteer "who engaged in sexual contact with the victim while the victim was imprisoned or who uses his or her position of authority over the victim to gain access to or to coerce or otherwise encourage the victim to engage in sexual contact during any term of supervision." The bill would take effect April 1, 2010.

FISCAL IMPACT:

The bill likely would have a minimal fiscal impact on the state and local units of government. In 2008, there were four offenders sentenced for second-degree criminal sexual conduct where the other person was a county prisoner or probationer; all were sentenced to prison. In addition, there were 128 offenders sentenced for second-degree criminal sexual conduct where there were multiple variables or where no variable was specified. It is possible that some of those cases involved offenses where the other persons were county prisoners or probationers.

To the extent that the bill reduced the number of people convicted of second-degree criminal sexual conduct, it could reduce state or local correctional costs. State costs of prison incarceration average about \$33,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs of parole and probation supervision average about \$2,100 per supervised offender per year. Local costs of jail incarceration vary by county.

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