



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bills 1213 and 1221 (as introduced 7-18-12)

Sponsor: Senator Judy K. Emmons (S.B. 1213)

Senator Tonya Schuitmaker (S.B. 1221)

Committee: Judiciary

Date Completed: 9-6-12

CONTENT

Senate Bill 1213 would amend the Michigan Penal Code to prescribe an enhanced felony penalty for accosting, soliciting, or inviting a person who was 16 or 17 years of age to commit prostitution or do any other lewd or immoral act.

Senate Bill 1221 would amend the Code of Criminal Procedure to include the felony penalty proposed by Senate Bill 1213 in the sentencing guidelines.

Senate Bill 1221 is tie-barred to Senate Bill 1213.

Senate Bill 1213

Under the Penal Code, a person who is at least 16 years of age is guilty of a crime if he or she accosts, solicits, or invites another person in a public place or in or from a building or vehicle, by word, gesture, or any other means, to commit prostitution or to do any other lewd or immoral act. A first offense is a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$500. A second offense is a misdemeanor, punishable by up to one year's imprisonment and/or a maximum fine of \$1,000. A third or subsequent offense is a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,000.

Under the bill, if the person accosted, solicited, or invited to commit prostitution or do any other lewd or immoral act were not less than 16 and not more than 17, the violation would be a felony punishable by up to five years' imprisonment and/or a maximum fine of \$10,000.

Senate Bill 1221

Under the bill, soliciting a minor over the age of 16 to commit prostitution would be a Class E felony against a person, with a statutory maximum sentence of five years' imprisonment.

MCL 750.448 & 750.451 (S.B. 1213)
777.16w (S.B. 1221)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate, but likely negative, fiscal impact on State and local government. By creating an enhanced felony penalty for soliciting a minor aged 16 or older, the bills could result in increased incarceration costs for both State and local units. There are no data to indicate how many individuals would be subject to this enhanced penalty, but for each individual sentenced to prison, the State would incur an average cost of approximately \$34,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Dan O'Connor

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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.