



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1313 (as introduced 9-25-12)
Sponsor: Senator Goeff Hansen
Committee: Judiciary

Date Completed: 9-25-12

CONTENT

The bill would amend the Michigan Penal Code to require a court to deny any request by a defendant in a child sexually abusive activity or material case to copy or otherwise reproduce photographic or other pictorial evidence of a child engaging in a sexual act, if the prosecuting attorney made that evidence reasonably available to the defendant.

Section 145c of the Penal Code prohibits and prescribes felony penalties for all of the following:

- Persuading, inducing, enticing, coercing, causing, or knowingly allowing a child to engage in a child sexually abusive activity for the purpose of producing any child sexually abusive material.
- Arranging for, producing, making, or financing any child sexually abusive activity or child sexually abusive material.
- Involvement in distributing or promoting any child sexually abusive material or child sexually abusive activity.
- Knowing possession of any child sexually abusive material.

The bill specifies that, pursuant to Article 1, Section 24 of the State Constitution (which guarantees crime victims the right to be treated with respect for their dignity and privacy), the court would have to deny any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any photographic or other pictorial evidence of a child engaging in a "listed sexual act" (as defined in Section 145c) if the prosecuting attorney made that evidence reasonably available to the defendant. Evidence would be considered to be reasonably available to the defendant if the prosecuting attorney provided ample opportunity to the defendant and his or her attorney, and any person the defendant might seek to qualify as an expert witness at trial, to inspect, view, and examine the evidence at a facility approved by the prosecuting attorney.

MCL 750.145c

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Dan O'Connor

S1112\S1313sa

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.