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BILL



ANALYSIS

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Senate Bill 1314 (as introduced 9-25-12)  
Sponsor: Senator Dave Hildenbrand  
Committee: Judiciary

Date Completed: 9-25-12

### **CONTENT**

**The bill would amend the Michigan Penal Code to include copying or reproducing child sexually abusive activity or material in the current prohibition against and penalty for involvement in child sexually abusive activity or material. The bill also indicates that a violation would be committed when actions were taken for personal, distributional, or other purposes.**

Section 145c of the Penal Code prohibits a person from 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, or arranging for, producing, making, or financing, or attempting, preparing, or conspiring to arrange for, produce, make, or finance any child sexually abusive activity or child sexually abusive material. The bill would add to that offense copying or reproducing, or attempting, preparing, or conspiring to copy or reproduce any child sexually abusive activity or child sexually abusive material. In addition, the prohibition would apply to any of the actions described above done for personal, distributional, or other purposes.

(A violation is a felony punishable by up to 20 years' imprisonment and/or a maximum fine of \$100,000, if the person knows, has reason to know, or should reasonably be expected to know that the child is a child or that the child sexually abusive material includes a child or that the depiction constituting the material appears to include a child, or the person has not taken reasonable precautions to determine the age of the child.)

MCL 750.145c

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. By adding copying and reproducing to the list of prohibited child sexually abusive activities, and also clarifying that Section 145c(2) applies in cases of "personal, distributional, or other purposes", the bill could result in additional violations. As noted above, violations of subsection 2, often referred to as child sexually abusive activity, are punishable by up to 20 years' imprisonment and/or \$100,000 in fines. Any additional violations would increase costs of incarceration and community supervision for State and local government.

Under current statute, it is likely that someone who copied or reproduced child sexually abusive material could be charged with a lesser offense under the same section. For

example, subsection 4 describes the crime of possession of child sexually abusive material, which is punishable by up to four years' imprisonment and \$10,000 in fines. Therefore, the costs attributable to this bill are the potential net increase in the lengths of sentences. Any additional fine revenue would benefit public libraries.

In 2010, there were 72 total felony dispositions for child sexually abusive activity, of which 61 resulted in prison sentences. Also in 2010, there were 114 total felony dispositions for possession of child sexually abusive material, of which 48 resulted in prison sentences.

Fiscal Analyst: Dan O'Connor

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