

Legislative Analysis



SOLICITING 16-YR-OLD FOR PROSTITUTION: INCREASE PENALTIES

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House Bill 4209

Sponsor: Rep. Dale W. Zorn

House Bill 4210

Sponsor: Rep. Eileen Kowall

Committee: Criminal Justice

Complete to 1-13-14

A SUMMARY OF HOUSE BILLS 4209 AND 4210 AS INTRODUCED 2-7-13

House Bill 4209 would make it a five-year felony to solicit a 16-year-old for prostitution or other lewd or immoral act. House Bill 4210 would place the penalty within the sentencing guidelines.

House Bill 4209 would amend the Michigan Penal Code (MCL 750.448 and 750.451). Currently, the penalty for an individual who is at least 16 years of age to solicit another person to commit prostitution is a misdemeanor punishable by 93 days in jail and/or a fine of not more than \$500, with higher penalties for repeat violations. The penalty applies to accosting, soliciting, or inviting 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.

The bill would instead apply the current penalties to soliciting a person who was 17 years of age or older. In addition, it would be a felony punishable by imprisonment for not more than five years and/or a fine of not more than \$10,000 to engage in the same conduct with a person who is at least 16 but not more than 17 years of age.

(Section 145a of the penal code currently makes it a four-year felony to solicit a minor younger than 16 years of age for prostitution.)

House Bill 4210 would amend the Code of Criminal Procedure (MCL 777.16w) to specify that soliciting a minor over 16 years of age to commit prostitution would have a maximum term of imprisonment of five years and to make some revisions of a technical nature. The bill is tie-barred to House Bill 4209.

FISCAL IMPACT:

The bill could increase costs on the state's correctional system. Information is not available on the number of persons that might be convicted under the provisions of the bill. New felony convictions could result in increased costs related to state prisons and state probation supervision. The average cost of prison incarceration in a state facility is

roughly \$35,600 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision average about \$3,600 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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