



Senate Fiscal Agency  
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## BILL ANALYSIS



Telephone: (517) 373-5383  
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House Bill 4219 (as reported without amendment)  
Sponsor: Representative Bronna Kahle  
House Committee: Law and Justice  
Senate Committee: Families, Seniors and Human Services

**CONTENT**

The bill would amend the Michigan Penal Code to remove the restriction under which a person may be eligible for deferral and dismissal of charges for a prostitution-related offense that he or she committed as a victim of human trafficking, only if the individual has no prior convictions for such an offense.

Under Section 451c of the Code, when an individual who has not been convicted previously of prostitution pleads guilty to, or is found guilty of, a prostitution-related offense, the court, without entering a judgment of guilt and with the consent of the accused and of the prosecuting attorney, may defer further proceedings and place the accused on probation.

The bill would delete the requirement that the individual has not been previously convicted of a prostitution-related offense, and the requirement that the court take certain actions to determine whether the accused has a previous conviction.

Currently, there may be only one discharge and dismissal under Section 451c with respect to any individual. The bill would delete that provision.

Unless the court enters a judgment of guilt, the Department of State Police must retain a nonpublic record of an arrest, court proceedings, and disposition of the criminal charge under Section 451c. The Code allows the courts, law enforcement personnel, and prosecuting attorneys access to the nonpublic record for the purpose of showing that a defendant has already once availed himself or herself of Section 451c. The bill would delete the provision allowing access for that purpose.

MCL 750.451c

Legislative Analyst: Stephen Jackson

**FISCAL IMPACT**

The bill could have a positive fiscal impact on the State and local government. Fewer misdemeanor and felony convictions could reduce resource demands on court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any decrease in prison intakes, in the short term, the marginal savings to State government would be approximately \$3,764 per prisoner per year. Any associated decrease in fine revenue would reduce funding to public libraries.

Date Completed: 5-4-17

Fiscal Analyst: Ryan Bergan