

Senate Fiscal Agency  
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Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

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Senate Bill 1398 (Substitute S-1 as reported)  
Sponsor: Senator Thaddeus G. McCotter  
Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Penal Code to include local prostitution and solicitation violations as prior convictions, for the purpose of enhanced penalties for repeat offenses under the Code.

Under the Penal Code, a violation of any of the following is a misdemeanor punishable by up to 90 days' imprisonment, a maximum fine of \$100, or both:

- Soliciting and accosting to commit prostitution or an immoral act (MCL 750.448).
- Admitting a person to a place for purposes of prostitution (MCL 750.449).
- Engaging services for purpose of prostitution, lewdness, or assignation (MCL 750.449a).
- Aiding and abetting another to solicit for prostitution or to admit a person to a place for purposes of prostitution (MCL 750.450).

A second offense of any of those violations is a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$500, or both. A third or subsequent offense is a felony punishable by up to two years' imprisonment. Under the bill, instead, the current penalty for a second offense would apply if an offender had a "prior conviction", and the current penalty for a third or subsequent offense would apply if the offender had two or more prior convictions. "Prior conviction" would mean a violation of any of the offenses listed above or of a substantially corresponding local ordinance.

MCL 750.451

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government.

To the extent that there are no statewide data to indicate how many offenders could be convicted of soliciting, engaging services, or aiding and abetting in prostitution, the costs that would be incurred by local government for the misdemeanor crimes are indeterminate. A third or subsequent offense would result in a felony conviction for which the State or local units of government would incur the cost of incarceration.

Date Completed: 11-16-00

Fiscal Analyst: K. Firestone