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FISCAL ANALYSIS

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HOUSE BILL 5296 AS PASSED BY THE HOUSE
Sponsor: Rep. Gene DeRossett

REVISED FLOOR ANALYSIS - 11/5/02
Analyst(s): Marilyn Peterson

HOUSE BILL 5297 AS PASSED BY THE HOUSE
Sponsor: Rep. Michael D. Bishop

Committee: Criminal Justice

SUMMARY

The bills would expand and clarify the law against child pornography. There are no data to indicate how many additional felony prosecutions might be made possible by the bills, but to the extent that additional convictions were obtained, the bills could generate increased costs for state or local correctional systems, or both, depending on circumstances.

House Bill 5296 would amend the Michigan Penal Code to extend application of the child pornography ("child sexually abusive material" law) to computer-generated images and materials on electronic media, to make possession of child pornography a felony, rather than a misdemeanor, and to clarify certain evidentiary issues. The maximum term of imprisonment for the possession offense would be four years, rather than one year; the maximum allowable fine of \$10,000 would be unchanged.

House Bill 5297 would amend the Code of Criminal Procedure to provide for felony sentencing guidelines for possession of child pornography. The crime would be a Class F crime against a person. Recommended minimum sentence ranges for Class F offenses vary from 0 – 3 months (a presumptive local sanction) to 17 – 30 months (a presumptive prison sentence).