



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 934 (as introduced 2-8-12)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 2-13-12

CONTENT

The bill would amend the Michigan Penal Code to include in first-, second-, third-, and fourth-degree criminal sexual conduct (CSC) a situation in which an employee, contractor, or volunteer of a child care organization or a foster home licensee engaged in sexual penetration or sexual contact with a resident of a foster home. Consent of the victim would not be a defense to prosecution.

Under the Penal Code, a person is guilty of first- or third-degree CSC if he or she engages in sexual penetration with another person, or is guilty of second- or fourth-degree CSC if he or she engages in sexual contact with another person, under certain circumstances.

Under the bill, those circumstances would include that the actor was an employee, contractual service provider, or volunteer of a child care organization, or a person licensed to operate a foster family home or a foster family group home in which the other person was a resident, and the sexual penetration or sexual contact occurred during the period of the person's residency.

The offense would be first- or second-degree CSC if the other person were at least 13 but less than 16 years old. The offense would be third- or fourth-degree CSC if the other person were at least 16.

(First-degree CSC is a felony punishable by imprisonment for life or for any term of years. Second- or third-degree CSC is felony punishable by up to 15 years' imprisonment. Fourth-degree CSC is a misdemeanor punishable by up to two years' imprisonment and/or a maximum fine of \$500.)

Under the bill, "child care organization", "foster family home", and "foster family group home" would mean those terms as defined in the child care licensing law. ("Child care organization" means a governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision.

"Foster family home" means a private home in which one to four minor children who are not related to an adult member of the household are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. "Foster family group home" means such a home in which more than four but fewer than seven minor children are placed.)

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many additional offenders would be convicted under the expanded definitions of criminal sexual contact. For those convicted, the State would incur the costs of incarceration of approximately \$34,000 annually, as well as the costs of felony probation at approximately \$2,500 annually. Local units could also incur costs associated with incarceration, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Dan O'Connor

S1112\sb934sa.

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.