



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 135 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to raise the maximum age of a student in third- and fourth-degree criminal sexual conduct (CSC) violations involving a student and a school official, employee, contractor, or volunteer or a government employee providing service to a school, district, or intermediate school district (ISD).

Under the Penal Code, a person is guilty of third-degree CSC if he or she engages in sexual penetration with another person, or is guilty of fourth-degree CSC if he or she engages in sexual contact with another person, and any of certain sets of circumstances exists. Under one set of circumstances, the other person is at least 16 years of age, but less than 18, and is a student at a public school or nonpublic school, and either of the following applies:

- The actor is a teacher, substitute teacher, or administrator of the school, district, or ISD, unless the other person is emancipated or the two people are lawfully married to each other at the time of the alleged violation.
- The actor is an employee or contractual service provider of the school, district, or ISD in which the other person is enrolled, is a nonstudent volunteer, or is a government employee assigned to provide any service to the school, district, or ISD and uses his or her status to gain access to or establish a relationship with the other person.

Under the bill, the violation would apply if the other person were less than 21 and a student enrolled in primary or secondary education at a public or nonpublic school. The bill also would delete the exception for an emancipated minor.

MCL 750.520d & 750.520e

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State and local government. There are no data to indicate how many new convictions would occur under the expanded definition of criminal sexual conduct contained in the bill. Additional charges and convictions would lead to an increase in State and local incarceration and community supervision costs. Additional fine revenue would benefit public libraries.

Date Completed: 2-20-13

Fiscal Analyst: Dan O'Connor