



Senate Fiscal Agency  
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## BILL ANALYSIS



Telephone: (517) 373-5383  
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House Bill 4787 (Substitute H-1 as reported without amendment)  
House Bill 4830 (as reported without amendment)  
Sponsor: Representative Amanda Price (H.B. 4787)  
Representative Nancy E. Jenkins (H.B. 4830)  
House Committee: Criminal Justice  
Senate Committee: Judiciary

**CONTENT**

House Bill 4787 (H-1) would amend the Michigan Penal Code to prohibit and prescribe criminal penalties for the following:

- Committing, attempting, or threatening stalking, aggravated stalking, or an assaultive crime with the intent to coerce a pregnant female to have an abortion.
- Taking other coercive action after being informed by a pregnant female that she did not want to obtain an abortion.

Specifically, a person having actual knowledge that a female was pregnant would be prohibited from committing, attempting to commit, or threatening to commit stalking, aggravated stalking, or an assaultive crime against her or any other person with the intent to coerce the pregnant female to have an abortion against her will. A violation would be punishable in the same manner as prescribed for the underlying offense committed, attempted, or threatened.

Also, after being informed by a pregnant female that she did not want to obtain an abortion, a person would be prohibited from engaging in coercion as defined in Section 462a of the Penal Code (threatening harm or physical restraint; abusing or threatening abuse of the legal system; or knowingly destroying concealing, removing, confiscating, or possessing an actual or purported passport or other immigration document or government ID).

This offense would be a misdemeanor punishable by a maximum fine of \$5,000. If the offender were the father or putative father of the unborn child and at least 18 years old at the time of the violation, and the pregnant female were under 18 at the time, the maximum fine would be \$10,000. ("Unborn child" would mean a live human being in utero, regardless of gestational stage of development.)

House Bill 4830 would amend the sentencing guidelines in the Code of Criminal Procedure to include coercing a female to have an abortion against her will (by stalking, aggravated stalking, or an assaultive crime).

The offense would be included in the sentencing guidelines as a felony against a person with a variable classification and a variable statutory maximum penalty. The sentencing court would have to determine the offense class, offense variable level, and prior record variable level based on the underlying offense.

Each bill would take effect 90 days after its enactment. House Bill 4830 is tie-barred to House Bill 4787.

Proposed MCL 750.213a (H.B. 4787)  
MCL 777.16l (H.B. 4830)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. If the coercion that would be prohibited under the bills were in the form of stalking or an assaultive crime, the violator would be punished according to the law that applied to that category of offense. Thus, the bills would be unlikely to result in any incarceration in addition to what would be allowed under current law, assuming that the violator was prosecuted for the underlying offense and the terms of imprisonment were concurrent (although consecutive sentencing would be allowed). To the extent that the underlying offenses would already be prosecuted, the costs to local courts and law enforcement would be unchanged.

If the provisions of the bill caused an increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per additional prisoner per year. Over the long term, if intakes increased enough to force the Department of Corrections to open a housing unit or an entire facility, the marginal cost to State government would be approximately \$34,550 per additional prisoner per year.

For violations of the proposed offense that did not involve stalking or assault, the violator could be charged with a misdemeanor from which penal fine revenue of up to \$5,000 (or \$10,000 in some circumstances) would be dedicated to public libraries.

Date Completed: 5-4-16

Fiscal Analyst: Ryan Bergan

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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.