



Senate Fiscal Agency  
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## BILL ANALYSIS



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House Bills 5628 and 5629 (as passed by the House)  
Sponsor: Representative Hank Vaupel (H.B. 5628)  
Representative Michael D. McCready (H.B. 5629)  
House Committee: Judiciary

**CONTENT**

House Bill 5628 would amend the Michigan Penal Code to prohibit a person from doing any of the following, whether or not the person received money or other valuable consideration for doing so:

- Transferring or attempting to transfer the legal or physical custody of a child with the intent to permanently divest a parent of parental responsibility, except by order of a court of competent jurisdiction.
- Arranging for or assisting in the permanent transfer, adoption, adoptive placement, or any other permanent physical placement of a child, except for the performance of adoption activities under Public Act 116 of 1973 (which provides for the licensure and regulation of child care organizations) in the performance of the person's duties.
- Assisting, aiding, abetting, or conspiring in the commission of an act described in the provisions above.

The bill's prohibition would not apply to the placement of a child under one or more of the following circumstances:

- With a relative, a child placing agency, or the Department.
- By a child placing agency or the Department.
- In accordance with the Interstate Compact on Placement of Children.
- In which the child would be returned in less than 180 days.

The prohibition also would not apply to a placement with the specific intent that the child would be returned, that the placement benefitted the child, and that it was based on the temporary needs of the family.

A violation would be a felony punishable by imprisonment for up to 20 years or a maximum fine of \$100,000, or both.

House Bill 5629 would amend the Estates and Protected Individuals Code to prohibit a parent from knowingly and intentionally delegating his or her powers concerning the care, custody, or property of a minor child for longer than 180 days for the purpose of permanently transferring custody of the child in violation of the prohibition that House Bill 5628 would enact.

House Bill 5629 is tie-barred to House Bill 5628.

MCL 750.136c (H.B. 5628)  
700.5103 (H.B. 5629)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bills could have a negative fiscal impact on the State and local government. More felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. In the long term, if the increased intake of prisoners increased the total prisoner population enough to require 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 prisoner per year. Any associated increase in fine revenue would be dedicated to public libraries.

Date Completed: 12-14-16

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.