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BILL ANALYSIS



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Senate Bill 607 (Substitute S-1)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 10-17-17

CONTENT

The bill would amend the Michigan Penal Code to prohibit as criminal sexual conduct (CSC) sexual penetration or sexual contact with another individual, if the actor were a member of the clergy, the act occurred during the course of a meeting in which the other individual sought religious or spiritual advice, or during a period of time in which the actor and the other individual were meeting on an ongoing basis for that purpose, and the actor used his or her position to accomplish the act.

Under the Code, a person is guilty of third- or fourth-degree CSC if he or she engages in sexual penetration or sexual contact, respectively, with another individual and any of the circumstances listed in the Code exist. Third-degree CSC is a felony punishable by up to 15 years' imprisonment. Fourth-degree CSC is a misdemeanor punishable by up to two years' imprisonment, a maximum fine of \$500, or both.

Under the bill, the listed circumstances would include that the actor was, or purported to be, a member of the clergy and either of the following applied: a) the sexual penetration or sexual contact occurred during the course of a meeting in which the other individual sought or received religious or spiritual advice, aid, or comfort from the actor and the actor used his or her position or purported position as a member of the clergy to accomplish the sexual penetration or sexual contact; or b) the sexual penetration or sexual contact occurred during a period of time in which the other individual was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in a private setting and the actor used his or her position or purported position as a member of the clergy to accomplish the sexual penetration or sexual contact. ("Clergy" would mean the group of individuals ordained or recognized by a religious or spiritual community as ritual or spiritual leaders.)

The bill specifies that the consent of the victim would not be a defense to a prosecution for either third- or fourth-degree CSC under the circumstances described above.

The bill would take effect 90 days after its enactment.

("Sexual contact" includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for: i) revenge, ii) to inflict humiliation, or iii) out of anger. "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.)

FISCAL IMPACT

The bill could have a negative fiscal impact on State and local government. More misdemeanor and 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 is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

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