



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

BILL ANALYSIS



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

House Bill 4355 (Substitute H-1 as reported without amendment)
Sponsor: Representative Gary Glenn
House Committee: Law and Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to remove the immunity from prosecution of a law enforcement officer for various prostitution-related offenses if the officer engaged in sexual penetration while in the course of his or her duties.

Under Section 451a of the Code, Sections 448, 449, 449a, 450, and 451 do not apply to a law enforcement officer while in the performance of his or her duties as an officer. The bill specifies that Section 451a would not apply to a law enforcement officer if he or she engaged in sexual penetration while in the course of his or her duties. (Sections 448 through 451 define various prostitution-related offenses, and prescribe the penalties for each crime.)

The bill is tie-barred to Senate Bill 275. (Senate Bill 275 (H-1) would amend Section 451a to specify that, except as provided in Section 451b (which House Bill 4355 (H-1) would enact), Sections 448, 449, 449a, 450, 451, as well as Section 459, would not apply to a law enforcement officer while in the performance of his or her duties.)

Proposed MCL 750.451b

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill could have a negative fiscal impact on the State and local government. The sections from which law enforcement officers are currently exempted treat violations as misdemeanors and felonies with varying penalties. The changes in the bill could lead to more officers being charged and convicted under those sections. 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 would be approximately \$3,764 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

Date Completed: 9-13-17

Fiscal Analyst: Ryan Bergan