

## SEXUALLY EXPLICIT VISUAL MATERIAL OF VULNERABLE ADULTS

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**House Bill 4076 (proposed substitute H-2)**  
**Sponsor: Rep. Padma Kuppa**  
**Committee: Families, Children and Seniors**  
**Complete to 6-19-19**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4076 would add a new section to the Michigan Penal Code to prohibit a person from intentionally or knowingly threatening, commanding, forcing, coercing, or exploiting the vulnerability of a *vulnerable adult* to cause the vulnerable adult to provide *sexually explicit visual material* of the vulnerable adult to that person or any other person.

*Vulnerable adult* would mean that term as defined in section 145m of the Penal Code, namely:

- An individual 18 years of age or older who, because of age, developmental disability, mental illness, or physical disability, requires supervision or personal care or lacks the personal and social skills required to live independently.
- A person who is placed in an adult foster care family home or an adult foster care small group home under section 5(6) or (8) of 1973 PA 116.
- A vulnerable person 18 years of age or older who is suspected of being or believed to be abused, neglected, or exploited.

*Sexually explicit visual material* would mean, as defined in section 145e of the Penal Code, a photograph or video that depicts nudity, erotic fondling, sexual intercourse, or sadomasochistic abuse.

A violation of the new section would be a misdemeanor punishable by imprisonment for up to 93 days or a fine of up to \$500, or both.

The bill would take effect 90 days after being enacted into law.

Proposed MCL 750.145h

### FISCAL IMPACT:

House Bill 4076 would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bill is not known. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Increased costs could be

offset, to some degree, depending on the amount of additional court-imposed fee revenue generated. Any increase in penal fine revenue would increase funding for local public libraries, which are the constitutionally designated recipients of those revenues.

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