

SENATE BILL NO. 219

March 14, 2019, Introduced by Senators LUCIDO, GEISS, CHANG, JOHNSON, HOLLIER, MOSS, ANANICH, WOJNO, POLEHANKI, BRINKS, MCMORROW and ALEXANDER and referred to the Committee on Government Operations.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 90 (MCL 750.90).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 90. ~~Sexual intercourse under pretext of medical~~
2 ~~treatment. Any person who shall undertake to medically treat any~~
3 ~~female person, and while so treating her, shall represent to such~~
4 ~~female that it is, or will be, necessary or beneficial to her~~
5 ~~health that she have sexual intercourse with a man, and shall~~

1 ~~thereby induce her to have carnal sexual intercourse with any man,~~
2 ~~and any man, not being the husband of such female, who shall have~~
3 ~~sexual intercourse with her by reason of such representation, shall~~
4 ~~be guilty of a felony, punishable by imprisonment in the state~~
5 ~~prison not more than 10 years.~~

6 (1) A person who undertakes medical treatment of a patient and
7 in the course of that medical treatment misrepresents to the
8 patient that sexual contact between the person and the patient is
9 necessary or will be beneficial to the patient's health and who
10 induces the patient to engage in sexual contact with the person by
11 means of the misrepresentation is guilty of a felony punishable by
12 imprisonment for not more than 20 years.

13 (2) A person who undertakes medical treatment of a patient and
14 in the course of that medical treatment misrepresents to the
15 patient that sexual penetration between the person and the patient
16 is necessary or will be beneficial to the patient's health and who
17 induces the patient to engage in sexual penetration with the person
18 by means of the misrepresentation is guilty of a felony punishable
19 by imprisonment for not more than 25 years.

20 (3) This section does not prohibit a person from being charged
21 with, convicted of, or punished for any other violation of law that
22 is committed by that person while violating this section.

23 (4) The court may order a term of imprisonment imposed for a
24 violation of this section to be served consecutively to a term of
25 imprisonment imposed for any other crime, including any other
26 violation of law arising out of the same transaction as the
27 violation of this section.

28 (5) As used in this section:

29 (a) "Medical treatment" includes an examination or a

1 procedure.

2 (b) "Patient" means a person who has undergone or is seeking
3 to undergo medical treatment.

4 (c) "Sexual contact" means the intentional touching of the
5 victim's or actor's intimate parts or the intentional touching of
6 the clothing covering the immediate area of the victim's or actor's
7 intimate parts, if that intentional touching can reasonably be
8 construed as being for the purpose of sexual arousal or
9 gratification, done for a sexual purpose, or done in a sexual
10 manner.

11 (d) "Sexual penetration" means sexual intercourse,
12 cunnilingus, fellatio, anal intercourse, or any other intrusion,
13 however slight, of any part of a person's body or of any object
14 into the genital or anal openings of another person's body,
15 regardless of whether semen is emitted, if that intrusion can
16 reasonably be construed as being for the purpose of sexual arousal
17 or gratification, done for a sexual purpose, or done in a sexual
18 manner.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.