



Senate Fiscal Agency
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Senate Bills 224 and 225 (as reported without amendment)

Sponsor: Senator Dan Lauwers (S.B. 224)

Senator Erika Geiss (S.B. 225)

Committee: Judiciary and Public Safety

CONTENT

Senate Bill 224 would amend the Michigan Penal Code to delete a provision that prohibits a person from engaging in sexual intercourse with a woman under the pretext of medical treatment, and to do the following:

- Prohibit a person undertaking medical treatment from misrepresenting to a patient that sexual contact or sexual penetration between the person and the patient would be necessary or beneficial to the patient's health and inducing the patient to engage in sexual contact or sexual penetration with the person by means of the misrepresentation.
- Prescribe felony penalties for a violation of the proposed prohibition.
- Allow a court to order a term of imprisonment imposed for a violation to be served consecutively to a term imposed for another crime.

Senate Bill 225 would amend the sentencing guidelines in the Code of Criminal Procedure to include the felonies proposed by Senate Bill 224 and to delete the guidelines for the offense that bill would eliminate.

Senate Bill 225 is tie-barred to Senate Bill 224. Each bill would take effect 90 days after its enactment.

MCL 750.90 (S.B. 224)
777.16d (S.B. 225)

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

Senate Bill 224 would have a negative fiscal impact on State and local units of government. New felony arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. However, it is unknown how many people would be prosecuted under the bill's provisions. The average cost to State government for felony probation supervision is approximately \$3,100 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$5,400 per prisoner per year. Any additional revenue from imposed fines would go to local libraries.

Senate Bill 225 would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Date Completed: 11-29-22

Fiscal Analyst: Joe Carrasco, Jr.

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Bill Analysis @ www.senate.michigan.gov/sfa

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