

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.338 Gross indecency; between male persons.

Sec. 338.

Any male person who, in public or in private, commits or is a party to the commission of or procures or attempts to procure the commission by any male person of any act of gross indecency with another male person shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years, or by a fine of not more than \$2,500.00, or if such person was at the time of the said offense a sexually delinquent person, may be punishable by imprisonment in the state prison for an indeterminate term, the minimum of which shall be 1 day and the maximum of which shall be life.

History: 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.338 ;-- Am. 1952, Act 73, Eff. Sept. 18, 1952

Constitutionality: This section, which prohibits "acts of gross indecency," is not unconstitutionally vague as applied to forced fellatio and fellatio with a minor. *People v Howell*, 396 Mich 16; 238 NW 2d 148 (1976).

Former Law: See section 1 of Act 198 of 1903, being CL 1915, Â§ 15511; and CL 1929, Â§ 16851.