

HOUSE BILL No. 4543

April 6, 1989, Introduced by Rep. Hickner and referred to the Committee on Judiciary.

A bill to amend section 520e of Act No. 328 of the Public Acts of 1931, entitled
"The Michigan penal code,"
as amended by Act No. 86 of the Public Acts of 1988, being section 750.520e of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 520e of Act No. 328 of the Public Acts
2 of 1931, as amended by Act No. 86 of the Public Acts of 1988,
3 being section 750.520e of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 520e. (1) A person is guilty of criminal sexual con-
6 duct in the fourth degree if he or she engages in sexual contact
7 with another person and if any of the following circumstances
8 ~~exists~~ EXIST:

1 (a) Force or coercion is used to accomplish the sexual
2 contact. Force or coercion includes but is not limited to any of
3 the circumstances listed in section 520b(1)(f)(i) to ~~(iv)~~ (v).

4 (b) The actor knows or has reason to know that the victim is
5 mentally incapable, mentally incapacitated, or physically
6 helpless.

7 (c) That other person is under the jurisdiction of the
8 department of corrections, and the actor is an employee or a con-
9 tractual employee of, or a volunteer with, the department of cor-
10 rections who has knowledge that the other person is under the
11 jurisdiction of the department of corrections.

12 (2) Criminal sexual conduct in the fourth degree is a misde-
13 meanor punishable by imprisonment for not more than 2 years, or
14 by a fine of not more than \$500.00, or both.