



**House
Legislative
Analysis
Section**

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CRIMINALIZE CONSENSUAL INCEST

House Bill 5076

Sponsor: Rep. Clyde LeTarte

Committee: Judiciary and Civil Rights

Complete to 1-11-96

A SUMMARY OF HOUSE BILL 5076 INTRODUCED 9-19-95

The bill would amend the criminal sexual conduct chapter of the Michigan Penal Code (Public Act 266 of 1974) to include in the definition of third degree criminal sexual conduct incest between an adult and a related person 16 years of age or older. The offense would be punishable by imprisonment for up to ten years and a fine of up to \$2,000, or both.

Currently, under the penal code, someone is guilty of criminal sexual conduct in the third degree if sexual penetration occurs and one of three other circumstances holds: the victim is between 13 and 16 years old, force or coercion is used to accomplish the sexual penetration, or the accused person knows (or had reason to know) that the victim is mentally incapable, mentally incapacitated, or physically helpless. The bill would add a new subsection to the penal code that would also make it criminal sexual conduct in the third degree for someone to engage in either sexual penetration or sexual conduct with someone who was related "by blood or affinity to the fourth degree" unless the two people were legally married to each other. ("Sexual penetration," "sexual contact," "mentally incapable," "mentally incapacitated," and "physically helpless" all are defined in the penal code.)

MCL 750.520d

House Bill 5076 (1-11-96)

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.