

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 879 (as introduced 2-12-98)
Sponsor: Senator Joanne G. Emmons
Committee: Families, Mental Health and Human Services

Date Completed: 5-5-98

CONTENT

The bill would amend sections of the Michigan Penal Code that proscribe criminal sexual conduct (CSC), to increase to 18 the statutory age at which a person may consent to sexual conduct. In addition, if a victim were at least 13 years old but under 18, an accused person would be guilty of first- or second-degree CSC if he or she were at least three years older than the victim.

Under the Code, a person (the "actor") is guilty of first- or second-degree CSC if he or she engages in sexual penetration or sexual contact, respectively, with 1) someone who is under 13 years of age (regardless of the circumstances) or 2) someone who is at least 13 but less than 16 and the actor is a member of the victim's household, related to the victim by blood or affinity to the fourth degree, or in a position of authority over the victim and used that authority to coerce the victim to submit (or if other circumstances exist, regardless of the victim's age). Under the bill, a person would be guilty of first- or second-degree CSC if he or she engaged in sexual penetration or contact with someone who was under 13 (regardless of the circumstances) or someone at least 13 but less than 18 and any of the following circumstances existed:

- The actor was a member of the same household as the victim.
- The actor was related to the victim by blood or affinity to the fourth degree
- The actor was in a position of authority over the victim and used the authority to coerce the victim.
- The actor was three or more years older than the victim.

Those circumstances (except the position of authority) would not apply, however, if the victim were emancipated or if the parties were lawfully married to each other at the time of the alleged violation.

Currently, a person is guilty of third-degree CSC if he or she engages in sexual penetration with someone who is at least 13 and less than 16 years old (or if other circumstances exist). A person is guilty of fourth-degree CSC if he or she engages in sexual contact with another person who is at least 13 and under 16 and the actor is five or more years older than the other person. Under the bill, a person would be guilty of third- or fourth-degree CSC if the victim were at least 13 but less than 18, unless the victim were emancipated or the parties were lawfully married to each other at the time of the alleged violation. For fourth-degree CSC, the actor would not have to be five or more years older than the victim.

MCL 750.520a et al.

Legislative Analyst: S. Lowe

FISCAL IMPACT

Senate Bill 879 would have an indeterminate fiscal impact on State and local government.

First- or second-degree criminal sexual conduct charges carry a maximum penalty of life or 15 years, respectively. There are no data available to indicate how many people would be convicted of these crimes if the crime definition were changed as proposed in the legislation. Costs for incarceration could increase to the extent that the age of consent would be increased from 16 to 18, and that a three- or more year age difference between the actor and the victim could increase the number of offenders and therefore the number of people incarcerated for criminal sexual conduct.

Fiscal Analyst: K. Firestone