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Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bill 17 (Substitute S-2 as reported)  
Sponsor: Senator Michael J. Bouchard  
Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Penal Code to prohibit an adult entertainment establishment from operating before 10 a.m. or after midnight, or on a public holiday; prohibit an adult entertainment establishment from knowingly admitting or allowing a person under 21 to remain on the premises; prohibit a person from appearing in an adult entertainment establishment in a nude or seminude condition unless the person was an employee of the establishment, was at least six feet from any patron or customer, and was on a stage at least two feet above the floor; and require that all persons engaged by an adult entertainment establishment to provide live adult entertainment or massage be engaged as employees of the establishment.

A person engaged in the management of an adult entertainment establishment who knowingly engaged in, carried on, or participated in the operation of an adult entertainment establishment in violation of the bill, would be guilty of a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$10,000.

The bill also would revise the definition of "sexual contact" in the Code's criminal sexual conduct (CSC) provisions. "Sexual contact" includes the intentional touching of a victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of those parts, if the intentional touching can reasonably be construed as being for "the purpose of sexual arousal or gratification". Under the bill, the definition would apply if the intentional touching could reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or done in a sexual manner for revenge, to inflict humiliation, or out of anger. (Second- and fourth-degree CSC involve sexual contact.)

MCL 750.520a et al.

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on local government. The proposed misdemeanor would be tried at the district court level, which sentences offenders to county jails. Local units of government would incur the costs of incarceration and/or receive the fine revenues. The fiscal impact of these penalties on local units is difficult to estimate, because there are no available data to project how many people could be convicted the offense and the cost of incarceration varies among the jurisdictions.

Additionally, in 1998, there were 633 people convicted of second-degree CSC, 533 convicted of fourth-degree CSC, and 133 convicted of assault with intent to commit CSC. There are no data available to indicate whether more offenders would be convicted of these crimes with the expansion of the definition of "sexual contact".

Date Completed: 11-20-00

Fiscal Analyst: K. Firestone