

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

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House Bill 4881 (as reported by the Committee of the Whole)  
Sponsor: Representative Jennifer Faunce  
House Committee: Criminal Law and Corrections  
Senate Committee: Judiciary

## **CONTENT**

The bill would amend the Michigan Penal Code to reclassify as second-degree criminal sexual conduct (CSC) sexual contact when the victim is under the jurisdiction of the Department of Corrections (DOC) and the offender is an employee or contractual employee of, or a volunteer with, the DOC; the victim is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program, or other probationary program, and the offender is an employee or a contractual employee of, or a volunteer with, the county; or the victim has been detained in a facility while awaiting a trial or hearing, or committed to a facility as a result of a juvenile adjudication, and the offender is an employee or contractual employee of, or a volunteer with, the facility. Currently, that offense constitutes fourth-degree CSC, which is a misdemeanor punishable by up to two years' imprisonment, a maximum fine of \$500, or both. Second-degree CSC is a felony punishable by up to 15 years' imprisonment.

The bill also would classify as second-degree CSC sexual contact when the victim is under DOC jurisdiction and the offender is an employee or contractual employee of, or a volunteer with, a private vendor that operates a youth correctional facility.

The bill would take effect on October 1, 2000.

MCL 750.520c & 750.520e

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government.

In 1998, there were 533 people convicted of fourth-degree CSC and 33 convicted of attempted fourth-degree CSC. There are no data available to indicate how many were employees, contract employees, or volunteers of the Department of Corrections, a court, or a detention facility, and whose victim was under the jurisdiction of the DOC, a county, or a court.

Of the 1998 convictions, 93 or 16% were sentenced to State prison. Conversely, 696 people were convicted of second-degree CSC or the attempt, and 386 or 55% of them were sentenced to prison. To the extent that under this bill certain offenders would be more likely to receive a prison sentence, costs for the State would increase.

Fourth-degree criminal sexual conduct is a Class G crime with a minimum sentencing guideline range of 0-3 months to 7-23 months and second-degree CSC is a Class C crime with a minimum sentencing guideline range of 0-11 months to 62-114 months. Assuming that two offenders a year would be charged with the more serious crime, that they would be subject to the highest minimum sentence, and that they would serve only the minimum sentence, costs would increase from \$84,300 to \$418,000.

Date Completed: 6-6-00

Fiscal Analyst: K. Firestone