



Telephone 373-8080  
Fax 373-5874

# HOUSE FISCAL AGENCY

124 N. Capitol Avenue  
4 – North, HOB Lansing, MI

**HB5032**      SUBSTITUTE  
  
H-2

**Sponsor:** Rep. Virg Bernero  
  
**Committee:** CRIMINAL JUSTICE

**HB5033**      SUBSTITUTE  
H-2

**Sponsor:** Rep. Michael Kowall  
  
**Committee:** CRIMINAL JUSTICE

**Analyst(s):** Peterson, Marilyn

**Completed:**            11/27/01

### State Fiscal Impact

**Cost:**                    Indeterminate/Increase  
**Revenues:**            None

### Local Fiscal Impact

**Cost:**                    Indeterminate/Increase  
**Revenues:**            Indeterminate/Increase

House Bill 5032 would amend the Michigan Penal Code to increase penalties for soliciting or encouraging a child under age 16 to commit an immoral act, sexual intercourse, or gross indecency. At present the offense is a misdemeanor punishable by a jail term of up to one year; under the bill, it would be a felony punishable by imprisonment for up to four years, a fine of up to \$2,000, or both.

House Bill 5033 would amend the code of criminal procedure to provide for sentencing guidelines for the felony created by HB 5032. Soliciting a child to commit an immoral act would be a Class F crime against a person. Recommended minimum sentence ranges for such offenses vary from 0 - 3 months, for which guidelines generally mandate a local sanction, to 17-30 months, for which guidelines generally mandate a prison sentence.

There are no data available on the numbers of offenders who would be newly-subject to felony penalties under HB 5032. However, depending on how the bill affected charging practices and the numbers of convictions obtained, it could increase costs to state and local correctional systems. Further, to the extent that the bill increased collections of state penal fines, it would increase the amount of that revenue going to local libraries, which are the constitutionally-designated recipients of that revenue.