



**House
Legislative
Analysis
Section**

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**LOWER AGE FOR PROSTITUTION
RELATED CRIMES**

**Senate Bill 1029 as passed by the Senate
First Analysis (2-20-01)**

**Sponsor: Sen. Thaddeus G. McCotter
House Committee: Criminal Justice
Senate Committee: Judiciary**

THE APPARENT PROBLEM:

In the spring of 2001, the Lansing Police Department uncovered a prostitution ring that involved over 20 girls whose ages ranged from 13 to 17 years of age. The ring operated in several areas of the state, including mid-Michigan and Detroit, and may have reached as far as Texas. According to news reports, several of the girls were pregnant, and many had one or more venereal diseases. In one article, a 13-year-old girl was reported to have told investigators that she had taken part in up to 30 sexual acts in one night (*Lansing State Journal*, March 8, 2001).

The discovery of the prostitution ring, along with the realization of the terrible impact on the young girls involved, has brought an outcry for lawmakers, law enforcement officials, and social service agencies to take steps to address this problem of adults preying on young girls. One focus has been to examine current laws regarding prostitution. Scrutiny of current state law identified one unintentional gap. Currently, the age of consent for sex is 16 years of age. However, current law regarding prostitution prohibits such behavior only for persons 17 years and older. Therefore, the law inadvertently “allows” 16-year-olds to engage in prostitution.

Legislation has been offered to close this loophole.

THE CONTENT OF THE BILL:

The bill would amend several provisions of the Michigan Penal Code (MCL 750.449 et al.) to lower the age threshold for certain prostitution-related crimes. Currently, a person 17 years of age or older who solicits or accosts another to commit prostitution or lewdness, who admits or offers to admit a person into a place (structure, house, building, or vehicle) for the purpose of prostitution or lewdness, or who aids or abets another person to commit prostitution or lewdness is guilty of a misdemeanor for a first or second offense and a felony for a third or subsequent

offense. The bill would lower the age threshold to 16 years of age or older.

Current law also makes it a misdemeanor offense to employ, receive, detain, or allow – for purposes other than for prostitution - a female under 17 years of age in a house of prostitution. The bill would instead prohibit a person from employing, receiving, detaining, or allowing a person under 16 years of age to remain in a house of prostitution. (Thus, the bill would lower the age threshold and the prohibition would pertain to both underage males and females.) Further, the bill would specify that a violation of the prohibition would be punishable as provided in Section 451 of the code. (Section 451 would be amended by House Bill 4325.)

The bill is tie-barred to House Bills 4325 and 5449 and Senate Bill 180. The effective date is June 1, 2002.

BACKGROUND INFORMATION:

Senate Bill 1029 is part of a package of bills that together would revise several prostitution-related provisions to lower the age threshold for which prostitution would be a crime, increase the penalty for first offense prostitution violations, increase penalties for soliciting a child to engage in immoral or sexual acts, and include a conviction for a prostitution-related violation of a local ordinance or another state’s law or local ordinance when determining if a violation is a second or subsequent offense. House Bills 4325, 5033, and 5449 have recently passed both houses and Senate Bill 180 has passed the Senate and is pending House floor action. House Bill 5032, which was part of the original House-passed package of bills, has been incorporated into the Senate-passed version of House Bill 5449.

Senate Bill 1029 (2-20-02)

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency in a fiscal note dated 2-13-02, the bill would have an indeterminate impact on state and local government. Currently, there are no statewide data to indicate how many offenders a year are convicted of prostitution-related misdemeanors. According to the Department of Corrections 1999 Statistical Report, 58 offenders were convicted of prostitution-related felonies. To the extent that it would increase the pool of possible offenders by lowering the age threshold for prosecution, the bill could potentially increase criminal justice costs. First- and second-time offenders would receive misdemeanor sentences. Local units would incur the cost of probation and incarceration, which varies by county from \$27 to \$65 per day. Third-time offenders would be convicted of a felony and would be eligible for probation or incarceration in a state facility. The state would incur the cost of probation, estimated to be \$4.38 per day, as well as incarceration, at an average annual cost of \$25,000.

which Senate Bill 1029 is a part, represents good public policy and should be supported.

POSITIONS:

The Department of State Police supports the bill. (2-19-02)

ARGUMENTS:

For:

A loophole in the law inadvertently makes it “legal” for a 16-year-old to engage in prostitution. Currently, a person 16 or older can legally consent to sexual intercourse. However, the prostitution laws pertain only to persons 17 years of age and older. Senate Bill 1029 would close the loophole by lowering the age for which prostitution is a crime to any person 16 years or older.

For:

The discovery of the Lansing prostitution ring involving girls between 13 and 17 did more than just shock people’s sensibilities; it underscored weaknesses in current law and in services available to at-risk teens and their families. There are many factors as to why young girls become involved in something as dangerous and risky to their health as prostitution. Some were runaways, some came from troubled homes, and some were from low-income families. Some had a history of truancy or previous unlawful behaviors. Some were too young for teen shelters or ineligible for certain existing programs. Therefore, the answers will require a multi-disciplinary approach to determine how services to these teens can be improved. However, addressing weaknesses in state law could have a significant impact on reducing the numbers of teenagers and adults involved in prostitution. The bill package, of

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■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.