

Senate Fiscal Agency  
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**SFA**

BILL ANALYSIS

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Senate Bill 1029 (as introduced 1-30-02)  
Sponsor: Senator Thaddeus G. McCotter  
Committee: Judiciary

Date Completed: 2-5-02

### **CONTENT**

**The bill would amend the Michigan Penal Code to reduce from 17 years to 16 years the age at which certain prostitution-related violations apply to offenders. The bill also would extend to males a current prohibition against employing or allowing females under 18 in a house of prostitution, and would reduce that age to under 17.**

Currently, the following offenses apply when the offender is 17 years of age or older:

- Accosting, soliciting, or inviting another person in a public place, or in or from a building or vehicle, to commit prostitution or to do any other lewd or immoral act.
- Receiving, admitting, or offering to receive or admit a person into a place, structure, house, building, or vehicle for the purpose of prostitution, lewdness, or assignation or knowingly permitting a person to remain in a place, structure, house, building, or vehicle for the purpose of prostitution, lewdness, or assignation.
- Aiding, assisting, or abetting another person to commit either of the offenses listed above.

Under the bill, those crimes would apply to an offender who was 16 years of age or older. A first offense is a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$100; a second offenses is a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$500; and a third or subsequent offense is a felony punishable by up to two years' imprisonment. The bill would retain those penalties.

The Code also prohibits a person from taking or conveying to, or employing, receiving, detaining, or allowing in a house of prostitution, house of ill-fame, bawdy-house, house of assignation, or any house or place for the resort of prostitutes or other disorderly people, a female who is 17 or younger. The offense is designated as a misdemeanor with no specified penalty. Under the bill, that violation would apply to any person 16 years of age or less, and would be punishable by up to 90 days' imprisonment and/or a maximum fine of \$100 (which is the current penalty for misdemeanors without a specified punishment).

MCL 750.448 et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

Senate Bill 1029 would have an indeterminate impact on State and local government.

There are currently 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 from 17 to 16, 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.

Fiscal Analyst: Bethany Wicksall