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**SFA**

BILL ANALYSIS

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House Bill 4325 (Substitute S-1 as reported)  
Sponsor: Representative Clark Bisbee  
House Committee: Criminal Justice  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Penal Code to do the following:

- Increase the maximum sentence for certain prostitution-related misdemeanors.
- Include as prior convictions, for the purpose of sentencing enhancement, violations of a law of another state or of a political subdivision of this State or another state.
- Reduce from 17 years to 16 years the age at which certain prostitution-related violations apply to offenders.

The bill would take effect on June 1, 2002, and is tie-barred to Senate Bills 180 and 1029 and House Bill 5449 (which also would revise offenses involving prostitution and child solicitation).

Under the Code, soliciting and accosting a person to commit prostitution, admitting a person to a place for purposes of prostitution, engaging services for purposes of prostitution, and aiding and abetting another to solicit or admit a person for purposes of prostitution, are misdemeanors punishable by up to 90 days' imprisonment and/or a maximum fine of \$100. Under the bill, the maximum term would be 93 days (These offenses are referred to below as "prostitution-related" offenses.)

The bill also would extend that penalty to the offense of taking a minor (a female younger than 18, or, under Senate Bill 1029 (S-1), a male or female under 17) to a house of prostitution or employing, detaining, or allowing a minor in a house of prostitution. Currently, this offense is subject to imprisonment for up to 90 days and/or a maximum fine of \$100.

A second prostitution-related offense 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. Under the bill, these penalties would apply if an offender had one or more "prior convictions", which would mean a prostitution-related offense (or a violation involving a minor in a house of prostitution) or a violation of law of another state or of a political subdivision substantially corresponding to the violations of Michigan law. The bill also would extend these enhanced penalties to offenses involving taking a minor to, or employing, detaining, or allowing a minor in, a house of prostitution. Under the Code, the enhanced penalties for subsequent violations apply to a person 17 years of age or older. Under the bill, those penalties would apply to a person 16 or older.

MCL 750.451

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

House Bills 4325 (S-1), 5033 (S-1), and 5449 (S-1) 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. By extending the maximum term of imprisonment for a first offense from 90 to 93 days, the bills would increase incarceration costs of local units, which vary by county from \$27 to \$65 per day. Also, to the extent that they would increase the pool of possible offenders by lowering the age threshold for prosecution from 17 to 16, the bills could potentially increase criminal justice costs. In addition, the bills would increase costs by allowing previous convictions from other local jurisdictions and states to be used to determine whether someone is a repeat offender. This would likely increase the number of offenders receiving longer sentences due to prior convictions. Each third-time offender convicted under these provisions would receive up to one additional year's imprisonment and would be subject to time in a State prison rather than a local jail, at an average annual State cost of \$25,000 per year.

According to the Department of Corrections Statistical Report, no offenders were convicted of or serving time for accosting or soliciting children for immoral purposes in 1999. Under the bills, the longest minimum sentence an offender could receive for a first offense would increase from eight months to 30 months. A first-time offender also would be eligible for incarceration in a State prison rather than a county jail. The longest minimum sentence an offender could receive for a subsequent offense would increase from 30 months to 76 months. The State would incur the cost of probation, estimated to be \$4.38 per day, as well as the cost of incarceration at an average annual cost of \$25,000. Nevertheless, if past years are representative of the future, this bill would not create increased State incarceration costs.

Date Completed: 2-11-02

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.