

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA**

BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 5449 (Substitute S-1 as reported by the Committee of the Whole)  
Sponsor: Representative Judson Gilbert II  
House Committee: Criminal Justice  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Penal Code to:

- Increase the penalty for accosting, enticing, or soliciting a child for immoral purposes.
- Specify that the violation would apply regardless of whether the offender knew that the individual was a child or knew the actual age of the child, and would apply if the offender believed the individual to be a child.
- Increase the penalty for a second or subsequent conviction of that offense.
- Extend the offense of accosting or soliciting in a public place to an offender who was 16 years old.

The Code prohibits a person from accosting, enticing, or soliciting an individual under 16 years old with intent to induce or force the child to commit an immoral act, submit to an act of sexual intercourse or gross indecency, or any other act of depravity or delinquency, or to suggest any of those acts to such a child. Under the bill, the violation would occur regardless of whether the offender knew the individual was a child or knew the actual age of the child, and also would apply when the offender solicited an individual whom he or she believed was a child. Currently, the offense is a misdemeanor punishable by up to one year's imprisonment. Under the bill, it would be a felony punishable by up to four years' imprisonment and/or a maximum fine of \$4,000.

Under the Code, a person convicted of this offense a second or subsequent time is guilty of a felony with no specified penalty (which makes it subject to imprisonment for up to four years and/or a maximum fine of \$2,000). Under the bill, the penalty would be up to 10 years' imprisonment and/or a maximum fine of \$10,000.

Currently, the crime of accosting, soliciting, or inviting another person in a public place, or in or from a building or vehicle, to commit prostitution or do a lewd or immoral act, applies when the offender is 17 or older, and is a misdemeanor. Under the bill, the crime would apply to an offender who was 16 or older, and would be punishable as provided in House Bill 4325.

The bill would take effect on June 1, 2002, and is tie-barred to House Bill 4325 and Senate Bills 180 and 1029 (which also would revise prostitution-related offenses and penalties).

MCL 750.145a et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

Please see **FISCAL IMPACT** on House Bill 4325 (S-1).

Date Completed: 2-13-02

Fiscal Analyst: Bethany Wicksall

[floor\hb5449](http://www.michiganlegislature.org/floor/hb5449)

Analysis available @ <http://www.michiganlegislature.org>

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.