




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


BILL ANALYSIS

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

Senate Bills 763 and 764 (as introduced 8-26-09)
Sponsor: Senator Ron Jelinek
Committee: Judiciary

Date Completed: 10-13-09

CONTENT

Senate Bills 763 and 764 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to delete provisions that make it a felony to take a woman against her will and force her to marry.

Senate Bill 764 is tie-barred to Senate Bill 763.

Senate Bill 763

Section 11 of the Michigan Penal Code prohibits and prescribes a penalty for taking a woman and compelling her to marry. Specifically, a person who takes any woman unlawfully and against her will, and by force, menace, or duress, compels her to marry him or any other person, or to be defiled, is guilty of a felony punishable by imprisonment for life or any term of years. The bill would repeal Section 11.

Senate Bill 764

The bill would delete the felony of taking a woman and compelling her to marry from the sentencing guidelines. Currently, the offense is a Class A felony against a person with a statutory maximum penalty of imprisonment for life.

MCL 750.11 (S.B. 763)
777.16a (S.B. 764)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders will be convicted, or have been convicted under Section 11 of the Michigan Penal Code. To the extent that the bills would decrease convictions, the State would incur lower incarceration costs. At present, the average annual cost of incarceration in a State correctional facility is \$34,000 per prisoner and the average annual cost of felony probation is approximately \$2,000 per prisoner.

Fiscal Analyst: Matthew Grabowski

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