



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4798 (Substitute H-1 as reported without amendment)
House Bill 4799 (Substitute S-1 as reported)
House Bill 5134 (Substitute H-1 as reported without amendment)
House Bill 5181 (as reported without amendment)
House Bill 5182 (Substitute H-1 as reported without amendment)
Sponsor: Representative Bruce Rendon (H.B. 4798)
Representative Paul Opsommer (H.B. 4799)
Representative Nancy E. Jenkins (H.B. 5134)
Representative Margaret E. O'Brien (H.B. 5181 & 5182)
House Committee: Families, Children, and Seniors
Senate Committee: Judiciary

CONTENT

House Bill 4799 (S-1) would amend the Michigan Penal Code to prohibit and prescribe criminal penalties for committing, attempting, or threatening stalking, aggravated stalking, or an assaultive crime with the intent to coerce a pregnant female to have an abortion. A violation would be punishable in the same manner as for the underlying offense committed, attempted, or maliciously threatened.

The bill also would prohibit a person from taking other coercive actions after being informed by a pregnant female that she did not want to obtain an abortion. For this purpose, information that a pregnant female did not want to obtain an abortion would include any statement or act, including inaction, that would clearly demonstrate to a reasonable person that she was unwilling to comply with a request or demand to have an abortion.

This offense would be a misdemeanor punishable by a maximum fine of \$5,000. If the offender were the father or putative father of the unborn child and at least 18 years old at the time of the violation, and the pregnant female were under 18 at the time, the maximum fine would be \$10,000. ("Unborn child" would mean a live human being in utero, regardless of gestational stage of development.)

House Bill 4798 (H-1) would amend the sentencing guidelines in the Code of Criminal Procedure to include coercing a female to have an abortion against her will.

House Bill 5134 (H-1) would amend the Public Health Code to do the following:

- Require a physician or qualified person assisting a physician to screen a patient orally regarding coercion to abort at the time she first presented at a facility for an abortion.
- Require a physician or assistant to take certain actions if the patient disclosed that she was the victim of domestic violence or coercion to abort.
- Require a facility in which abortions were performed to post and make available information regarding violence against women and coercion to abort.

House Bill 5182 (H-1) would amend the Public health Code to do the following:

- Require the Department of Community Health (DCH) to develop, draft, and print or make available information regarding domestic violence and coercion to abort.
- Require the DCH to develop, draft, and print screening and training tools regarding coercion to abort.
- Require a physician or assistant to give an abortion patient a physical copy of the prescreening summary on prevention of coercion to abort, at least 24 hours before the physician performed the abortion.
- Require a physician to confirm with the patient that the coercion-to-abort screening was performed, before she signed an acknowledgment and consent form.

House Bill 5181 would amend the Revised Judicature Act to allow an action to be brought by or on behalf of an individual injured by an act prohibited by House Bill 4799 (S-1).

House Bill 4798 (H-1) is tie-barred to House Bill 4799. House Bill 5134 (H-1) is tie-barred to House Bills 4798, 4799, 5182, and 5183 (which would amend the Income Tax Act to eliminate the sunset on a venture investment credit). House Bills 5181 and 5182 (H-1) are tie-barred to each other and House Bills 4798, 4799, and 5134.

House Bills 5134 (H-1), 5181, and 5182 (H-1) would take effect on October 1, 2012.

House Bills 4798 (H-1) and 4799 (S-1) would take effect on January 1, 2013.

MCL 777.16I (H.B. 4798)

Legislative Analyst: Patrick Affholter

Proposed MCL 750.213a (H.B. 4799)

MCL 333.17515 et al. (H.B. 5134)

Proposed MCL 600.2977 (H.B. 5181)

MCL 333.17015 (H.B. 5182)

FISCAL IMPACT

House Bills 4798 (H-1) and 4799 (S-1) would have an indeterminate fiscal impact on State and local government. If the coercion prohibited under the bills were in the form of stalking or an assaultive crime, the violator would be punished according to the law that applies to that category of offense. Therefore, these provisions would be unlikely to result in any incarceration in addition to what would be allowed under current law, assuming that the violator was prosecuted for the underlying offense and the terms of imprisonment were concurrent. (Note: The screening process outlined in House Bill 5134 (H-1) could result in additional instances of assault being discovered and prosecuted, which could result in increased incarceration costs.) For violations of the proposed offense other than stalking and assault, the violator could be charged with a misdemeanor from which penal fine revenue of up to \$5,000 (or \$10,000 in some circumstances) would benefit public libraries.

House Bill 5134 (H-1) would have no fiscal impact on State or local government.

House Bill 5181 could result in a marginal increase in civil caseload for local courts, which would have an indeterminate, but minor, fiscal impact.

House Bill 5182 (H-1) would result in minor indeterminate administrative costs for the Department of Community Health.

Date Completed: 5-2-12

Fiscal Analyst: Steve Angelotti
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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.