



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

BILL ANALYSIS

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

House Bill 5537 (Substitute H-1 as passed by the House)

Sponsor: Representative Klint Kesto

House Committee: Law and Justice

Senate Committee: Judiciary

Date Completed: 5-31-18

CONTENT

The bill would amend the Michigan Penal Code to prohibit a person from intentionally using his or her professional position of authority over another person to prevent or attempt to prevent that person from reporting child abuse, criminal sexual conduct (CSC) in the first, second, third, or fourth degree, or assault with intent to commit second-degree CSC or CSC involving sexual penetration, committed or attempted by another person.

The prohibition would be included in a provision that prohibits the following:

- Preventing another person, through the unlawful use of physical force, from reporting a crime committed by another person.
- Withholding or refusing to produce any testimony, information, document, or thing after the court has ordered it to be produced.
- Retaliating against another person for having reported a crime committed or attempted by another person.

A violation of the current prohibition is a misdemeanor punishable by imprisonment for up to one year or a maximum fine of \$1,000, or both. If the violation involves committing or attempting to commit a crime or a threat to kill or injure any person or to cause property damage, the offense is a felony punishable by up to 10 years' imprisonment or a maximum fine of \$20,000, or both.

The bill would take effect 90 days after being enacted.

MCL 750.483a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have a negative fiscal impact on the State and local government. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

Fiscal Analyst: Ryan Bergan

SAS\S1718\s5537sa

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.