



Senate Fiscal Agency
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BILL ANALYSIS



Telephone: (517) 373-5383
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Senate Bills 219 and 220 (as reported without amendment)
House Bill 4372 (Substitute S-2 as reported)
House Bill 4373 (Substitute S-2 as reported)
Sponsor: Senator Peter J. Lucido (S.B. 219)
Senator Erika Geiss (S.B. 220)
Representative Annette Glenn (H.B. 4372)
Representative Daire Rendon (H.B. 4373)
Senate Committee: Judiciary and Public Safety
House Committee: Judiciary

CONTENT

Senate Bill 219 would amend the Michigan Penal Code to delete a provision that prohibits a person from engaging in sexual intercourse with a woman under the pretext of medical treatment, and do the following:

- Prohibit a person undertaking medical treatment from misrepresenting to a patient that sexual contact or sexual penetration between the person and the patient would be necessary or beneficial to the patient's health and inducing the patient to engage in sexual contact or sexual penetration with the person by means of the misrepresentation.
- Prescribe felony penalties for a violation of the proposed prohibition.
- Allow a court to order a term of imprisonment imposed for a violation to be served consecutively to a term imposed for another crime.

Senate Bill 220 would amend the sentencing guidelines in the Code of Criminal Procedure to include the felonies proposed by Senate Bill 219 and to delete the guidelines for the offense that bill would eliminate.

House Bill 4372 (S-2) would amend the Public Health Code to include a conviction for engaging in sexual contact or sexual penetration under the pretext of medical treatment among the grounds for disciplinary action against a health professional.

House Bill 4373 (S-2) would amend the Public Health Code to require a disciplinary subcommittee to revoke permanently the license of an individual convicted of engaging in sexual contact or sexual penetration under the pretext of medical treatment.

Senate Bill 220 is tie-barred to Senate Bill 219. House Bill 4372 (S-2) is tie-barred to Senate Bill 219 and House Bill 4373. House Bill 4373 (S-2) is tie-barred to House Bill 4372.

MCL 750.09 (S.B. 219)
777.16d (S.B. 220)
333.16221 (H.B. 4372)
333.16226 (H.B. 4373)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

Senate Bill 219 would have a negative fiscal impact on the State and local government. New felony arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. However, it is unknown how many people would be prosecuted under provisions of the bill. The average cost to State government for felony probation supervision is approximately \$3,100 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$5,400 per prisoner per year. Any additional revenue from imposed fines would go to local libraries.

Senate Bill 220 would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing

judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

House Bills 4372 (S-2) and 4373 (S-2) would have no fiscal impact on State or local government.

Date Completed: 12-10-20

Fiscal Analyst: Joe Carrasco
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