



Senate Fiscal Agency
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Senate Bills 1083 and 1085 (as reported without amendment)
Senate Bill 1084 (Substitute S-1 as reported)
Sponsor: Senator Jeff Irwin
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 1085 would amend the Michigan Penal Code to repeal Section 29 through Section 32, which prohibit and prescribe penalties for adultery and the cohabitation of divorced parties.

Senate Bill 1084 (S-1) would delete sentencing guidelines in the Code of Criminal Procedure for the offenses of adultery and cohabitation by divorced parties.

Senate Bill 1083 would amend the Code of Criminal Procedure to delete a form of adultery that could be used in applicable court cases for the prosecution of adultery.

Senate Bills 1083 and 1084 are tie-barred to Senate Bill 1085.

MCL 767.44 (S.B. 1083)
777.16a (S.B. 1084)
750.29-750.32 repealed (S.B. 1085)

Legislative Analyst: Eleni Lionas

BRIEF RATIONALE

Under State law, adultery is punishable by a felony of up to four years' imprisonment. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, after Michigan enacted no-fault divorce laws in 1972, violations have not been enforced. Accordingly, it has been suggested to repeal the penalties for adultery and cohabitation of divorced parties.

FISCAL IMPACT

Senate Bill 1084 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.

The bills would have no fiscal impact on State or local courts or the Department of Attorney General.

Date Completed: 12-4-24

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