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House Bill 4123 and 4124 (as reported without amendment)

Sponsor: Representative Graham Filler (H.B. 4123)

Representative Carol Glanville (H.B. 4124)

House Committee: Judiciary

Senate Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

House Bill 4123 would amend the Michigan Penal Code to prohibit a person from intentionally using the person's professional position of authority over another person to prevent or attempt to prevent the other 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.

House Bill 4124 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 certain crimes, such as CSC.

Each bill would take effect 90 days after its enactment.

MCL 750.483a (H.B. 4123)

Proposed MCL 750.478b

BRIEF RATIONALE

According to testimony, mandatory reporters often fail to report child abuse, child neglect, and sexual assault. A well-known example of such failure is the case of Larry Nassar, a former doctor for Michigan State University's gymnastics team who was convicted of several counts of first-degree CSC that he perpetrated during his work as the team doctor. Reportedly, some victims of Nassar's crimes reported the CSC but nothing came of those reports; some people believe this could have been a result of a person using authority to intentionally prevent those reports from reaching people responsible for their handling.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

House Bill 4123's criminal penalties could have a negative fiscal impact on the State and local units of government. Violations of the bill would be punishable as misdemeanors and felonies of different severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Misdemeanor convictions could increase county jail and local probation supervision costs, which vary by jurisdiction and are thus indeterminate. Based on 2022 data, the average cost to State government for felony probation supervision is approximately \$4,800 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$45,700. Per diem rates for housing a prisoner in a State correctional facility range from \$98 to \$192 per day, depending on the security level of the facility. Additionally, any associated fine revenue would increase funding to public libraries.

House Bill 4124 could have a negative fiscal impact on local units of government if more misdemeanor convictions resulted from the bill's proposed changes. Misdemeanor convictions could increase county jail and local probation supervision costs, which vary by jurisdiction and are thus indeterminate. The court also could levy a fine of up to \$1,000. Any associated fine revenue would increase funding to public libraries.

Date Completed: 6-14-23

Fiscal Analyst: Joe Carrasco, Jr.

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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.