



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



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

House Bill 4202 (as passed by the House)
Sponsor: Representative Laurie Pohutsky
House Committee: Criminal Justice
Senate Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 5-3-23

CONTENT

The bill would amend Chapter LXXVI (Rape) of the Penal Code to delete a provision specifying that a person may not be convicted of Criminal Sexual Conduct (CSC) solely because his or her legal spouse is mentally incapacitated.

Under the Code, a person may be charged and convicted under Sections 520b to 520g even though the victim is his or her legal spouse. (Generally, Sections 520b to 520g prohibit and penalize CSC in the first to fourth degrees.)

The Code specifies that a person may not be charged or convicted solely because his or her legal spouse is under the age of 16, mentally incapable, or mentally incapacitated. Instead, under the bill, a person could not be charged or convicted solely because his or her legal spouse was under the age of 16 or mentally incapable.

("Mentally incapable" means that a person suffers from a mental disease or defect that renders that person temporarily or permanently incapable of appraising the nature of his or her conduct. "Mentally incapacitated" means that a person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other substance administered to that person without his or her consent, or due to any other act committed upon that person without his or her consent.)

MCL 750.520I

PREVIOUS LEGISLATION

(Please note: This section does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

The bill is a reintroduction of House Bill 4699 of the 2021-2022 Legislative Session, which passed the House but received no further action in the Senate.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bill would have an indeterminate fiscal impact upon the local courts. The fiscal impact would be based upon any resulting increase in court caseloads because of the bill.

Fiscal Analyst: Joe Carrasco, Jr.
Michael Siracuse

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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.