

Legislative Analysis



HUMAN TRAFFICKING: SOLICITING SEX FROM A MINOR

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 205 (Substitute S-2)
Sponsor: Sen. Judy K. Emmons

Senate Bill 206 (Substitute S-2)
Sponsor: Sen. Tonya Schuitmaker

Senate Bill 602 (Substitute H-1, as proposed)
Sponsor: Sen. Joe Hune

House Committee: Criminal Justice
Senate Committee: Families, Seniors and Human Services

Complete to 9-9-14

A SUMMARY OF SENATE BILLS 205 AND 206 AS PASSED BY THE SENATE 6-5-14 AND SENATE BILL 602 (PROPOSED H-1 SUBSTITUTE)

Taken together, the bills would do the following:

- ❖ Make it a 5-year felony to solicit a person under 18 years of age for prostitution and include the penalty in the sentencing guidelines.
- ❖ Make the crime of soliciting a person for prostitution gender neutral.
- ❖ Include the crime of soliciting a person under 18 for prostitution as a Tier I sexual offense requiring registration as a sex offender.
- ❖ Include the crime of recruiting a minor for the commercial sex trade or forced labor as a Tier II sexual offense requiring registration as a sex offender.

Senate Bills 206 and 602 are tie-barred to Senate Bill 205 and all would take effect 90 days after enactment. The bills are identical to House Bills 4209, 4210, and 5241 as passed by the House.

Senate Bill 205 would amend the Michigan Penal Code (MCL 750.449a, 750.450, and 750.451). The bill would make it a felony punishable by imprisonment for not more than five years and/or a fine of not more than \$10,000 to solicit, accost, or invite – by the payment in money or other forms of consideration – another person who is less than 18 years of age and who is not his or her spouse to commit prostitution, lewdness, or assignation.

In addition, the act currently makes it a 93-day misdemeanor to engage or offer to engage the services of a female, who is not his wife, for the purpose of prostitution, lewdness, or assignation by the payment in money or other forms of consideration. The bill would

make the provision gender-neutral by instead referring to the services of *another person, not his or her spouse*.

Senate Bill 206 would amend the Code of Criminal Procedure (MCL 777.16w) to specify that soliciting a person under 18 years of age to commit prostitution would be a Class E felony against a person with a five-year maximum term of imprisonment.

Senate Bill 602 would amend the Sex Offenders Registration Act (MCL 28.722) to include certain sex-related crimes in the list of offenses requiring a person to register as a sex offender. A violation of Section 449a(2) of the Michigan Penal Code would be added to the list of crimes constituting a Tier I offense. A Tier I offender must register in person once a year for 15 years, with some exceptions. [A second offense of Section 449a(2) or any other Tier I offense would count as a Tier II offense.]

A violation of Section 462e of the Michigan Penal Code would be added to the list of crimes constituting a Tier II offense. A Tier II offender must register in person twice a year for 25 years. [Section 462e, as revised by House Bill 5234, prohibits recruiting, enticing, harboring, transporting, providing, or obtaining by any means a minor for commercial sexual activity or for forced labor or services, regardless of whether the person knows the age of a minor.]

FISCAL IMPACT:

Senate Bill 602 would have no fiscal impact on state or local units of government.

Senate Bills 205-206 would have an indeterminate fiscal impact on state and local units of government. To the extent that the bills result in a greater number of convictions, they could increase costs on state and local correctional systems. Information is not available on the number of persons that might be convicted under the provisions of the bills. New felony convictions could result in increased costs related to state prisons, county jails, and/or state probation supervision. The average cost of prison incarceration in a state facility is roughly \$35,600 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision average about \$3,600 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.