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House Bill 4021 (Substitute H-2 as passed by the House)
Sponsor: Representative George T. Darany
House Committee: Criminal Justice
Senate Committee: Families, Seniors and Human Services

Date Completed: 5-6-14

CONTENT

The bill would amend the Michigan Penal Code to include restraining a person with the intent to engage in child sexually abusive activity in the list of acts that constitute kidnapping.

The Code states that a person commits the crime of kidnapping if he or she knowingly restrains another person with the intent to do one of the following:

- Hold the person for ransom or reward.
- Use that person as a hostage.
- Engage in criminal sexual contact or criminal sexual penetration with the person.
- Hold the person in involuntary servitude.

Under the bill, kidnapping also would include restraining another person with the intent to engage in child sexually abusive activity with the person, if that person were a minor. "Child sexually abusive activity" would mean that term as defined in Section 145c of the Code: "a child engaging in a listed sexual act". ("Listed sexual act" means "sexual intercourse, erotic fondling, sadomasochistic abuse, masturbation, passive sexual involvement, sexual excitement, or erotic nudity".)

In the provision that refers to criminal sexual penetration or criminal sexual contact, the bill would refer to that conduct prohibited under Chapter 76 of the Code. (Chapter 76 prescribes the crimes of criminal sexual conduct in the first through fourth degree and the corresponding penalties.)

A person who commits kidnapping is guilty of a felony punishable imprisonment for life or any term of years or a fine of \$50,000, or both.

MCL 750.349

Legislative Analyst: Jeff Mann

FISCAL IMPACT

By expanding the definition of kidnapping, the bill could bring about more felony convictions. The cost to State government is approximately \$35,000 per prisoner per year. The fiscal cost to local government would be in any additional resources required by law enforcement, the prosecutor, and the court to prosecute these additional cases.

Fiscal Analyst: John Maxwell

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