

HOUSE BILL NO. 6553

December 07, 2022, Introduced by Reps. Kuppa, Brixie, Hood, Glanville, Hope, Cynthia Johnson, Brabec, Cavanagh, Steckloff, Garza, Peterson, Ellison, Koleszar and Damoose and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 520a (MCL 750.520a), as amended by 2014 PA 64.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 520a. As used in this chapter:
2 (a) "Actor" means a person accused of criminal sexual conduct.
3 (b) "Developmental disability" means ~~an impairment of general~~
4 ~~intellectual functioning or adaptive behavior that meets all of the~~
5 ~~following criteria:~~

1 ~~(i) It originated before the person became 18 years of age.~~

2 ~~(ii) It has continued since its origination or can be expected~~
 3 ~~to continue indefinitely.~~

4 ~~(iii) It constitutes a substantial burden to the impaired~~
 5 ~~person's ability to perform in society.~~

6 ~~(iv) It is attributable to 1 or more of the following:~~

7 ~~(A) Intellectual disability, cerebral palsy, epilepsy, or~~
 8 ~~autism.~~

9 ~~(B) Any other condition of a person that produces a similar~~
 10 ~~impairment or requires treatment and services similar to those~~
 11 ~~required for a person described in this subdivision.~~ **that term as**
 12 **defined in section 100a of the mental health code, 1974 PA 258, MCL**
 13 **330.1100a.**

14 (c) "Electronic monitoring" means that term as defined in
 15 section 85 of the corrections code of 1953, 1953 PA 232, MCL
 16 791.285.

17 (d) "Intellectual disability" means that term as defined in
 18 section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

19 (e) "Intermediate school district" means a corporate body
 20 established under part 7 of the revised school code, 1976 PA 451,
 21 MCL 380.601 to 380.705.

22 (f) "Intimate parts" includes the primary genital area, groin,
 23 inner thigh, buttock, or breast of a human being.

24 (g) "Mental health professional" means that term as defined in
 25 section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

26 (h) "Mental illness" means a substantial disorder of thought
 27 or mood that significantly impairs judgment, behavior, capacity to
 28 recognize reality, or ability to cope with the ordinary demands of
 29 life.

1 (i) "Mentally disabled" means that a person has a mental
2 illness, is intellectually disabled, or has a developmental
3 disability.

4 (j) "Mentally incapable" means that a person suffers from a
5 mental disease or defect that renders that person temporarily or
6 permanently incapable of appraising the nature of his or her
7 conduct.

8 (k) "Mentally incapacitated" means that a person is rendered
9 temporarily incapable of appraising or controlling his or her
10 conduct due to the influence of a narcotic, anesthetic, or other
11 substance. ~~administered to that person without his or her consent,~~
12 ~~or due to any other act committed upon that person without his or~~
13 ~~her consent.~~

14 (l) "Nonpublic school" means a private, denominational, or
15 parochial elementary or secondary school.

16 (m) "Physically helpless" means that a person is unconscious,
17 asleep, or for any other reason is physically unable to communicate
18 unwillingness to an act.

19 (n) "Personal injury" means bodily injury, disfigurement,
20 mental anguish, chronic pain, pregnancy, disease, or loss or
21 impairment of a sexual or reproductive organ.

22 (o) "Public school" means a public elementary or secondary
23 educational entity or agency that is established under the revised
24 school code, 1976 PA 451, MCL 380.1 to 380.1852.

25 (p) "School district" means a general powers school district
26 organized under the revised school code, 1976 PA 451, MCL 380.1 to
27 380.1852.

28 (q) "Sexual contact" includes the intentional touching of the
29 victim's or actor's intimate parts or the intentional touching of

1 the clothing covering the immediate area of the victim's or actor's
2 intimate parts, if that intentional touching can reasonably be
3 construed as being for the purpose of sexual arousal or
4 gratification, done for a sexual purpose, or in a sexual manner
5 for:

6 (i) Revenge.

7 (ii) To inflict humiliation.

8 (iii) Out of anger.

9 (r) "Sexual penetration" means sexual intercourse,
10 cunnilingus, fellatio, anal intercourse, or any other intrusion,
11 however slight, of any part of a person's body or of any object
12 into the genital or anal openings of another person's body, but
13 emission of semen is not required.

14 (s) "Victim" means the person alleging to have been subjected
15 to criminal sexual conduct.

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.