

SENATE BILL NO. 67

February 16, 2023, Introduced by Senators LAUWERS, GEISS, CHANG, THEIS, BELLINO, BAYER, SHINK, WOJNO, MCCANN, CAVANAGH and POLEHANKI and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 90 (MCL 750.90).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 ~~Sec. 90. Sexual intercourse under pretext of medical~~
2 ~~treatment. Any person who shall undertake to medically treat any~~
3 ~~female person, and while so treating her, shall represent to such~~
4 ~~female that it is, or will be, necessary or beneficial to her~~
5 ~~health that she have sexual intercourse with a man, and shall~~

1 ~~thereby induce her to have carnal sexual intercourse with any man,~~
2 ~~and any man, not being the husband of such female, who shall have~~
3 ~~sexual intercourse with her by reason of such representation, shall~~
4 ~~be guilty of a felony, punishable by imprisonment in the state~~
5 ~~prison not more than 10 years.~~

6 (1) An individual who undertakes medical treatment of a
7 patient and in the course of that medical treatment misrepresents
8 to the patient that sexual contact between the individual and the
9 patient is necessary or will be beneficial to the patient's health
10 and who induces the patient to engage in sexual contact with the
11 individual by means of the misrepresentation is guilty of a felony
12 punishable by imprisonment for not more than 20 years.

13 (2) An individual who undertakes medical treatment of a
14 patient and in the course of that medical treatment misrepresents
15 to the patient that sexual penetration between the individual and
16 the patient is necessary or will be beneficial to the patient's
17 health and who induces the patient to engage in sexual penetration
18 with the individual by means of the misrepresentation is guilty of
19 a felony punishable by imprisonment for not more than 25 years.

20 (3) This section does not prohibit an individual from being
21 charged with, convicted of, or punished for any other violation of
22 law that is committed by that individual while violating this
23 section.

24 (4) The court may order a term of imprisonment imposed for a
25 violation of this section to be served consecutively to a term of
26 imprisonment imposed for any other crime, including any other
27 violation of law arising out of the same transaction as the
28 violation of this section.

29 (5) As used in this section:

1 (a) "Medical treatment" includes an examination or a
2 procedure.

3 (b) "Patient" means a person who has undergone or is seeking
4 to undergo medical treatment.

5 (c) "Sexual contact" means the intentional touching of the
6 victim's or actor's intimate parts or the intentional touching of
7 the clothing covering the immediate area of the victim's or actor's
8 intimate parts, if that intentional touching can reasonably be
9 construed as being for the purpose of sexual arousal or
10 gratification, done for a sexual purpose, or done in a sexual
11 manner.

12 (d) "Sexual penetration" means sexual intercourse,
13 cunnilingus, fellatio, anal intercourse, or any other intrusion,
14 however slight, of any part of a person's body or of any object
15 into the genital or anal openings of another person's body,
16 regardless of whether semen is emitted, if that intrusion can
17 reasonably be construed as being for the purpose of sexual arousal
18 or gratification, done for a sexual purpose, or done in a sexual
19 manner.

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