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Senate Bill 585 (Substitute S-5 as reported by the Committee of the Whole)
Sponsor: Senator Mike Nofs
Committee: Families, Seniors and Human Services

CONTENT

The bill would amend the Michigan Penal Code to do the following:

- Increase from 16 years old to 18 the minimum age at which someone can be guilty of a prostitution offense under specific sections of the Code.
- Provide that if a person under 18 were found engaging in conduct that would be a prostitution offense under those sections, it would have to be presumed that he or she was coerced into child sexually abusive activity or into commercial sexual activity or otherwise forced or coerced into committing that violation by someone engaged in human trafficking.
- Provide that such a person would be subject to the temporary protective custody provisions of the juvenile code (which allow an officer to take a child into protective custody without a warrant if necessary to protect his or her health and safety).
- Permit the State to petition the court to find that the person was a dependent juvenile in need of services under the juvenile code (as provided in Senate Bill 586).
- Prohibit a local unit of government from enacting or enforcing an ordinance proscribing prostitution conduct that set a lower minimum age for the violator than the age established in the Penal Code.

In addition, the Code makes it a crime to take a person to, or allow a person to remain in, a place of prostitution, for a purpose other than prostitution, if the person is 16 years old or younger. Under the bill, this would apply if the person were 18 years old or younger.

The bill is tie-barred to Senate Bill 586, which is tie-barred to Senate Bill 585. (As passed by the Senate, Senate Bill 586 (S-2) would amend the juvenile code to extend the family court's jurisdiction to a juvenile under 18 who was dependent and in danger of substantial physical or psychological harm.

A juvenile could be found to be dependent when any of the following occurred:

- The juvenile was homeless or not domiciled with a parent or other legally responsible person.
- The juvenile had repeatedly run away from home and was beyond the control of a parent or other legally responsible person.
- The juvenile allegedly engaged in conduct that, if engaged in by someone 18 or older, would be commercial sexual activity or a delinquent act that was the result of force, fraud, coercion, or manipulation exercised by a parent or other adult.
- The juvenile's custodial parent or legally responsible person had died or become permanently incapacitated and no appropriate parent or legally responsible person was willing and able to provide care for the juvenile.)

FISCAL IMPACT

The bill could result in fewer misdemeanor and felony convictions for the affected offenses, by raising the minimum age of individuals who may be charged with prostitution-related offenses from 16 to 18 years. Fewer convictions would result in a minor reduction in costs of incarceration and/or community supervision for State and local government. An individual younger than 18 years of age who otherwise might have been charged with a crime instead could be a dependent juvenile under the jurisdiction of the Family Division of Circuit Court (family court), which could result in an increase in costs to the State and local government.

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Fiscal Analyst: John Maxwell

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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.