Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 763 (Substitute S-1 as reported by the Committee of the Whole)
Senate Bill 764 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Ron Jelinek
Committee: Judiciary

CONTENT

Senate Bill 763 (S-1) would repeal Sections 11 and 12 of the Michigan Penal Code. Section 11 makes it a felony for a person to take any woman unlawfully and against her will, and by force, menace, or duress, compel her to marry him or any other person, or to be defiled. The offense is punishable by imprisonment for life or any term of years. Section 12 makes it a felony, punishable by up to 10 years' imprisonment, for a person to take a woman unlawfully and against her will with intent to compel her by force, menace, or duress to marry him or another person, or to be defiled.

Senate Bill 764 (S-1) would amend the Code of Criminal Procedure to delete from the sentencing guidelines the felonies of taking a woman and compelling her to marry and taking a woman with intent to compel her to marry. Taking a woman and compelling her to marry is a Class A felony against a person with a statutory maximum penalty of imprisonment for life, and taking a woman with intent to compel her to marry is a Class H felony against a person with a statutory maximum penalty of 10 years' imprisonment.

MCL 750.11 & 750.12 (S.B. 763)   Legislative Analyst: Patrick Affholter
      777.16a (S.B. 764)

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders will be convicted, or have been convicted under Section 11 or 12 of the Michigan Penal Code. To the extent that the bills would decrease convictions, the State would incur lower incarceration costs. At present, the average annual cost of incarceration in a State correctional facility is $34,000 per prisoner and the average annual cost of felony probation is approximately $2,000 per prisoner.

Date Completed: 10-20-09   Fiscal Analyst: Matthew Grabowski