



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 275 (as reported without amendment)
Sponsor: Senator Judy K. Emmons
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to remove the immunity from prosecution of a law enforcement officer for various prostitution-related offenses if the officer engaged in sexual penetration while in the course of his or her duties.

Under the Code, Sections 448, 449, 449a, 450, and 451 do not apply to a law enforcement officer while in the performance of his or her duties as an officer. Under the bill, this provision would apply to all of the listed offenses, and those prohibited under Section 459, unless the officer engaged in sexual penetration as that term is defined in the Code while in the course of his or her duties. (Sections 448, 449, 449a, 450 451, and 459 prohibit certain prostitution-related activity, and prescribe the penalties for each crime.)

MCL 750.451a

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill could have a negative fiscal impact on the State and local government. The sections of the Penal Code from which law enforcement officers are currently exempt treat violations as misdemeanors and felonies with varying penalties. The bill could lead to more officers' being charged and convicted under those sections. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

Date Completed: 4-19-17

Fiscal Analyst: Ryan Bergan