



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 5787 (Substitute S-1 as reported)
House Bill 5788 (Substitute H-1 as reported without amendment)
House Bill 5789 (Substitute S-1 as reported)
House Bill 5790 (as reported without amendment)
Sponsor: Representative Klint Kesto (H.B. 5787)
Representative Erika Geiss (H.B. 5788)
Representative Jeffrey R. Noble (H.B. 5789)
Representative Daire Rendon (H.B. 5790)
House Committee: Law and Justice
Senate Committee: Judiciary

CONTENT

House Bill 5787 (S-1) would amend the Michigan Penal Code to delete a provision that prohibits a person from engaging in sexual intercourse with a woman under the pretext of medical treatment, and do the following:

- Prohibit a person undertaking medical treatment from misrepresenting to a patient that sexual contact or sexual penetration between the person and the patient would be necessary or beneficial to the patient's health and engaging in sexual contact or sexual penetration with the patient by means of the misrepresentation.
- Prescribe felony penalties for a violation of the proposed prohibition.
- Allow a court to order a term of imprisonment imposed for a violation to be served consecutively to a term imposed for another crime.

House Bill 5788 (H-1) would amend the sentencing guidelines in the Code of Criminal Procedure to include the felonies proposed by House Bill 5787 (S-1) and delete the guidelines for the offense that the bill would eliminate.

House Bill 5789 (S-1) would amend the Public Health Code to include a conviction for engaging in sexual contact or sexual penetration under the pretext of medical treatment among the grounds for disciplinary action against a health professional.

House Bill 5790 would amend the Public Health Code to require a disciplinary subcommittee to revoke permanently the license of an individual convicted of engaging in sexual contact or sexual penetration under the pretext of medical treatment.

MCL 750.90 (H.B. 5787)
777.16d (H.B. 5788)
333.16221 (H.B. 5789)
333.16226 (H.B. 5790)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

House Bill 5787 (S-1) would have a negative fiscal impact on the State and local government. More 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 is approximately \$3,764 per prisoner per year.

House Bill 5788 (H-1) would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

House Bill 5789 (S-1) would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs. The additional investigative and reporting activities required by the bill would not appreciably increase departmental expenditures.

House Bill 5790 would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs. The additional licensing revocation processes and the possible resultant fines due to the specified violations would not appreciably increase expenditures or revenue.

Date Completed: 6-6-18

Fiscal Analyst: Ryan Bergan
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