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House Bill 4123 (as passed by the House)
Sponsor: Representative Graham Filler
House Committee: Judiciary
Senate Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 6-7-23

CONTENT

The bill would amend the Michigan Penal Code to prohibit a person from intentionally using the person's professional position of authority over another person to prevent or attempt to prevent the other person from reporting child abuse, criminal sexual conduct (CSC) in the first, second, third, or fourth degree, or assault with intent to commit second-degree CSC or CSC involving sexual penetration.

The prohibition would be included in a provision that prohibits the following:

- Preventing another person, through the unlawful use of physical force, from reporting a crime committed by another person.
- Withholding or refusing to produce any testimony, information, document, or thing after the court has ordered it to be produced.
- Retaliating against another person for having reported a crime committed or attempted by another person.

A violation of the current prohibition is a misdemeanor punishable by imprisonment for up to one year or a maximum fine of \$1,000, or both. If the violation involves committing or attempting to commit a crime or a threat to kill or injure any person or to cause property damage, the offense is a felony punishable by up to 10 years' imprisonment or a maximum fine of \$20,000, or both.

The bill would take effect 90 days after its enactment.

MCL 750.483a

PREVIOUS LEGISLATION

(Please note: This section does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

The bill is a reintroduction of House Bill 4374 from the 2019-2020 Legislative Session. House Bill 4374 passed the House and was reported by the Senate Committee on Judiciary and Public Safety but received no further action.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bill's criminal penalties could have a negative fiscal impact on the State and local units of government. Violations of the bill would be punishable as misdemeanors and felonies of different severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and

correctional facilities. Misdemeanor convictions could increase county jail and local probation supervision costs, which vary by jurisdiction and are thus indeterminate. Based on 2022 data, the average cost to State government for felony probation supervision is approximately \$4,800 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$45,700. Per diem rates for housing a prisoner in a State correctional facility range from \$98 to \$192 per day, depending on the security level of the facility. Additionally, any associated fine revenue would increase funding to public libraries.

Fiscal Analyst: Joe Carrasco, Jr.

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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.