



Senate Fiscal Agency
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Senate Bills 226 and 227 (as reported without amendment)
Sponsor: Senator Lana Theis
Committee: Judiciary and Public Safety

CONTENT

Senate Bill 226 would amend the Public Health Code to do the following:

- Prohibit a licensee or registrant from performing on a patient who was a minor a medical treatment, procedure, or examination that involved vaginal or anal penetration unless it was within the scope of the licensee's or registrant's practice, a medical assistant or another licensee was present in the room, and the minor's parent or guardian gave his or her consent.
- Specify circumstances under which the prohibition would not apply, such as the treatment or procedure was necessary and associated with a medical emergency.
- Prescribe felony penalties for a violation.
- Require the Department of Licensing and Regulatory Affairs (LARA) to create a standardized consent form to be used by a licensee or registrant who provided to a minor patient a medical treatment, procedure, or examination that involved vaginal or anal penetration.
- Require LARA to make the form publicly available on its website.

Senate Bill 227 would amend the sentencing guidelines in the Code of Criminal Procedure to include the felonies proposed by Senate Bill 226.

Senate Bill 227 is tie-barred to Senate Bill 226. Each bill would take effect 90 days after its enactment.

Proposed MCL 333.16279 & 333.16279a (S.B. 226) Legislative Analyst: Stephen P. Jackson
MCL 777.13n (S.B. 227)

FISCAL IMPACT

Senate Bill 226 would have a negative fiscal impact on State and local government. New felony arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. However, it is unknown how many people would be prosecuted under the bill's provisions. The average cost to State government for felony probation supervision is approximately \$3,100 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$5,400 per prisoner per year. Any additional revenue from imposed fines would go to local libraries. The bill would have no fiscal impact on LARA.

Senate Bill 227 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 bills 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.

Date Completed: 11-29-29

Fiscal Analyst: Joe Carrasco, Jr.