



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 19 (as reported with amendments)
Sponsor: Senator Michael J. Bouchard
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to allow a court to impose an enhanced penalty upon a person convicted of certain criminal sexual conduct (CSC) offenses if the offender knew at the time of the violation that he or she had been diagnosed as having AIDS or that he or she was "HIV infected". The bill would take effect on October 1, 1995, and would apply to offenses committed on or after that date.

A term of imprisonment of up to three years, in addition and consecutive to any term of imprisonment imposed for the underlying offense, could be imposed for CSC in the first, second, third, or fourth degree or for assault with intent to commit CSC, if the violation involved sexual penetration, or exposure to a body fluid of the defendant. The bill would not prohibit a person from being charged with, convicted of, or punished for any other violation committed while violating the bill.

"HIV infected" would mean the status of a person who had tested positive for the human immunodeficiency virus, as indicated by either a double positive enzyme-linked immunosorbent assay test, or a positive result under an HIV test considered reliable by the Federal Centers for Disease Control and approved by the Michigan Department of Public Health.

Proposed MCL 750.520n

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State government. The Department of Corrections could realize increased costs depending on how many times judges chose to impose the additional sentences outlined in the bill. There are no data currently available that would indicate how many individuals are convicted of committing criminal sexual conduct while knowingly infected with the HIV. If five individuals were convicted each year, each receiving additional three-year sentences, annual costs for the Department would increase by between \$150,000 and \$225,000 depending on security confinement.

Date Completed: 2-7-95

Fiscal Analyst: M. Hansen