



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 19  
Sponsor: Senator Michael J. Bouchard  
Committee: Judiciary

Date Completed: 2-3-95

**SUMMARY OF SENATE BILL 19 as introduced 1-17-95:**

**The bill would amend the Michigan Penal Code to allow a court to impose an enhanced penalty upon a person convicted of any of various 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".**

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. 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.

Fiscal Analyst: M. Hansen

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