



HOUSE BILL No. 5076

September 19, 1995, Introduced by Reps. LeTarte, Hill, Kukuk, Crissman, Horton, Voorhees, Green, Schroer, Goschka, Rocca, Jersevic, Walberg, Middleton, Dolan, Bush, Cropsey, London, Gernaat, Gubow, Geiger, Brewer, Curtis, Fitzgerald, Whyman, Perricone, Jellema, Byl, Brackenridge, McBryde, Pitoniak and Llewellyn and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 520d of Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended by Act No. 158 of the Public Acts of 1983, being section 750.520d of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 520d of Act No. 328 of the Public Acts
2 of 1931, as amended by Act No. 158 of the Public Acts of 1983,
3 being section 750.520d of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 520d. (1) A person is guilty of criminal sexual con-
6 duct in the third degree if the person engages in sexual penetra-
7 tion with another person and if any of the following
8 circumstances ~~exists~~ EXIST:

1 (a) That other person is at least 13 years of age and under
2 16 years of age.

3 (b) Force or coercion is used to accomplish the sexual
4 penetration. Force or coercion includes but is not limited to
5 any of the circumstances listed in section 520b(1)(f)(i) to (v).

6 (c) The actor knows or has reason to know that the victim is
7 mentally incapable, mentally incapacitated, or physically
8 helpless.

9 (2) A PERSON IS GUILTY OF CRIMINAL SEXUAL CONDUCT IN THE
10 THIRD DEGREE IF HE OR SHE ENGAGES IN SEXUAL PENETRATION OR SEXUAL
11 CONTACT WITH ANOTHER PERSON WHO IS RELATED TO THE ACTOR BY BLOOD
12 OR AFFINITY TO THE FOURTH DEGREE UNDER CIRCUMSTANCES NOT OTHER-
13 WISE PROHIBITED BY THIS CHAPTER. THIS SUBSECTION DOES NOT APPLY
14 IF BOTH PERSONS ARE LAWFULLY MARRIED TO EACH OTHER.

15 (3) ~~-(2)-Criminal~~ EXCEPT AS PROVIDED IN SUBSECTION (4),
16 CRIMINAL sexual conduct in the third degree is a felony punish-
17 able by imprisonment for not more than 15 years.

18 (4) CRIMINAL SEXUAL CONDUCT THAT IS A VIOLATION OF SUBSEC-
19 TION (2) IS A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
20 10 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.