

HOUSE BILL No. 4350

February 18, 1997, Introduced by Reps. LeTarte, Walberg, Gernaat, Hammerstrom, Dalman, Baade, Green, Bodem, Law, Middleton, Geiger, Oxender, Jellema, Byl, McBryde, Crissman, Griffin, Fitzgerald, Brackenridge and McNutt and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 338d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 338D. (1) AN INDIVIDUAL WHO KNOWINGLY ENGAGES IN
2 SEXUAL INTERCOURSE IN A PUBLIC PLACE OR PROCURES ANOTHER INDIVID-
3 UAL TO ENGAGE IN SEXUAL INTERCOURSE IN A PUBLIC PLACE IS GUILTY
4 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS
5 OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.
6 (2) AS USED IN THIS SECTION:
7 (A) "PUBLIC PLACE" MEANS A PLACE OPEN TO THE PUBLIC, REGARD-
8 LESS OF WHETHER AN INDIVIDUAL IS REQUIRED TO PAY A FEE TO ENTER
9 OR REMAIN IN THE PLACE, OR A PLACE IN PLAIN VIEW FROM A PLACE
10 OPEN TO THE PUBLIC.

1 (B) "SEXUAL DEVICE" MEANS A DEVICE USED OR INTENDED TO BE
2 USED FOR SEXUAL GRATIFICATION.

3 (C) "SEXUAL INTERCOURSE" MEANS REAL OR SIMULATED
4 GENITAL-GENITAL, ORAL-GENITAL, ANAL-GENITAL, OR ORAL-ANAL INTER-
5 COURSE BETWEEN INDIVIDUALS OF THE SAME OR OPPOSITE SEX OR BETWEEN
6 A HUMAN AND AN ANIMAL OR WITH A SEXUAL DEVICE.