



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 924 and 925 (as introduced 4-28-16)
Sponsor: Senator Rick Jones
Committee: Families, Seniors and Human Services

Date Completed: 10-19-16

CONTENT

Senate Bill 925 would amend the Michigan Adoption Code to do the following:

- **Allow a prospective adoptive parent to advertise for or recruit, as well as solicit, biological parents or guardians of potential adoptees for the purposes of adoption.**
- **Allow a prospective adoptive parent or guardian, or a court, department, or child-placing agency, to advertise for or recruit, as well as solicit, potential adoptive parents for purposes of adoption.**
- **Refer in these provisions to "court-supervised adoption".**
- **Define "advertise for, solicit, or recruit".**
- **Provide that no person or entity other than one specified in the Code could advertise for, solicit, or recruit prospective parents for the purpose of facilitating the transfer, adoption, or other permanent placement of a child, and extend criminal penalties to a violation of this provision.**

Senate Bill 924 would amend the sentencing guidelines in the Code of Criminal Procedure to revise the description of the offense that Senate Bill 925 would modify.

The bills are tie-barred to each other. Each bill would take effect 90 days after enactment.

Senate Bill 925 is described in more detail below.

Under the Michigan Adoption Code, only a person specified in certain sections of the Code may place a child for adoption. (Those sections allow a parent or guardian having legal and physical custody of a child, a child placing agency or the department that acquires legal and physical custody of a child, or a court that acquires legal and physical custody of a child, to place the child for adoption.)

The Code allows only a prospective adoptive parent to solicit biological parents or guardians of potential adoptees for the purposes of adoption. The bill would allow a prospective adoptive parent to advertise for, solicit, or recruit biological parents or guardians of potential adoptees for the purposes of a court-supervised adoption.

The Code also allows only a biological parent or guardian, or the court, department, or child-placing agency with authority to place a child, to solicit potential adoptive parents for purposes of adoption of the child. The bill would allow those individuals or entities to advertise for, solicit, or recruit potential adoptive parents only to fulfill the purposes of a court-supervised adoption of the child.

The bill states that no other person or entity could advertise for, solicit, or recruit prospective parents for the purpose of facilitating the transfer, adoption, or other permanent placement of a child.

A violation of the current provisions is a misdemeanor punishable by imprisonment for up to 90 days or a maximum fine of \$100, or both, for the first violation. A subsequent violation is a felony punishable by imprisonment for up to four years and/or a maximum fine of \$2,000. These penalties also would apply to a violation of the bill's provisions.

The Code defines "solicit" as contact in person, by telephone or telegraph, by letter or other writing, or by other communication directed to a specific recipient. The term does not include public communication that is not directed to specific individuals. The bill, instead, would define "advertise for, solicit, or recruit" as to communicate in person, in writing, or via any medium, public or private, for the purpose of locating a previously unknown person or entity with whom to temporarily or permanently place a child.

MCL 777.15f (S.B. 924)
710.55 (S.B. 925)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 925

The bill could have a negative fiscal impact on the State and local government. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. In the long term, if the increased intake of prisoners increased the total prisoner population enough to require the Department of Corrections to open a housing unit or an entire facility, the marginal cost to State government would be approximately \$34,550 per prisoner per year. Any associated increase in fine revenue would be dedicated to public libraries.

Senate Bill 924

The bill 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 struck down portions of the sentencing guidelines law). According to one interpretation of that decision, the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction would depend on judicial decisions.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.