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House Bill 4937 (Substitute H-1 as passed by the House)
Sponsor: Representative David Law
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 8-29-05

CONTENT

The bill would amend the Code of Criminal Procedure to specify that in a criminal case in which a defendant was accused of committing a "listed offense" against a minor (an individual under 18 years old), evidence that the defendant committed another listed offense against a minor would be admissible and could be considered for its bearing on any matter to which it was relevant.

If the prosecuting attorney intended to offer evidence under this provision, he or she would have to disclose it to the defendant at least 15 days before the scheduled trial date or at a later time allowed by the court for good cause shown, including the statements of witnesses or a summary of the substance of any testimony expected to be offered.

"Listed offense" would mean that term as defined in the Sex Offenders Registration Act (MCL 28.722), i.e., any of the following:

- A first or subsequent conviction of accosting, enticing, or soliciting a child for immoral purposes (MCL 750.145a & 750.145b).
- Involvement in child sexually abusive activity or material (MCL 750.145c).
- Sodomy, if a victim is under 18 (MCL 750.158).
- A third or subsequent offense of engaging in indecent or obscene conduct in a public place or indecent exposure (MCL 750.167(1)(f) or 750.335a).
- Except for a juvenile disposition or adjudication, gross indecency, if a victim is under 18 (MCL 750.338, 750.338a, or 750.338b).
- Kidnapping, if a victim is under 18 (MCL 750.349).
- Kidnapping a child under 14 (MCL 750.350).
- Soliciting, accosting, or inviting another person to commit prostitution or an immoral act, if a victim is under 18 (MCL 750.448).
- Pandering for purposes of prostitution (MCL 750.455).
- First-, second-, third-, or fourth-degree criminal sexual conduct (CSC) or assault with intent to commit CSC (MCL 750.520b-750.520e & 750.520g).
- Any other violation of a State or local law that, by its nature, constitutes a sexual offense against an individual under 18.
- An offense committed by a person who was, at the time of the offense, a "sexually delinquent person" as defined in the Michigan Penal Code (i.e., any person whose sexual behavior is characterized by repetitive or compulsive acts that indicate a disregard of consequences or the recognized rights of others, or by the use of force upon another person in attempting sexual relations or by the commission of sexual aggressions against children under 16) (MCL 750.10a).

- An attempt or conspiracy to commit an offense listed above.
- An offense substantially similar to an offense listed above, under a law of the United States, any state, or any country, or under tribal or military law.

Proposed MCL 768.27a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

To the extent that allowing the admission of certain prior offenses as evidence would increase the conviction rate for additional crimes, the bill could increase local and State criminal justice costs.

Fiscal Analyst: Bethany Wicksall

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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.