

# Legislative Analysis

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## LEWD AND LASCIVIOUS COHABITATION

Phone: (517) 373-8080  
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### **Senate Bill 56 as passed by the Senate**

**Sponsor: Sen. Stephanie Chang**

**House Committee: Judiciary**

**Senate Committee: Civil Rights, Judiciary, and Public Safety**

**Complete to 6-6-23**

Analysis available at  
<http://www.legislature.mi.gov>

## **SUMMARY:**

Senate Bill 56 would amend Chapter XLVIII (Indecency and Immorality) of the Michigan Penal Code. Currently, any man or woman who are not married to each other, and who lewdly and lasciviously associate and cohabit together, are guilty of a misdemeanor punishable by imprisonment for up to one year or a fine of up to \$1,000. The bill would eliminate this crime.

The bill would retain the current misdemeanor offense for any individual, married or unmarried, who is guilty of open and gross lewdness and lascivious behavior. That offense is also punishable by imprisonment for up to one year or a fine of up to \$1,000. Prosecution must be commenced within one year from the time the offense was committed.

MCL 750.335

## **FISCAL IMPACT:**

Senate Bill 56 would likely have no fiscal impact on the state or on local units of government because provisions of the bill do not appear to be actively enforced resulting in charges for offenses. The bill would eliminate the crime of cohabitation outside of marriage, which is considered to be a misdemeanor. To the extent there is any reduction in the amount of misdemeanor convictions for this specific offense, the fiscal impact would be reduced costs for county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. There would be a corresponding reduction in costs for local court systems if the court caseload and related administrative costs were reduced. Any lost penal fine revenue would reduce funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

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