

UNDERSTANDING
CRIMINAL SEXUAL CONDUCT
A HANDBOOK FOR VICTIMS



Provided by
Ottawa County Prosecuting Attorney

A message from
Prosecuting Attorney Lee F. Fisher

This booklet summarizes the Criminal Sexual Conduct Statute. It also provides valuable resource information for individuals who have been victimized. Legal steps and psychological stresses following victimization are sometimes complicated and lengthy. We want you to know that your concerns as a victim of crime are uppermost in our minds as we seek justice in your case.

There is a victim advocate at each of our office sites to serve you: Grand Haven and Holland. Please do not hesitate to contact them during business hours when you need help with or more information about your rights as a victim.

Very truly yours,

Lee F. Fisher
Prosecuting Attorney

Contact Information

Ottawa County Prosecuting Attorney
414 Washington Street
Grand Haven, MI 49417

Crime Victim Assistance

- Compensation
- Information
- Legal Rights
- Support

Grand Haven: 616-846-8300

Holland: 616-355-4310

Hudsonville: 616-846-8338

Juvenile: 616-846-8338

Monday thru Friday 8am to 5pm

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CRIMINAL SEXUAL CONDUCT

Statute

MCL 750.520b. Criminal Sexual Conduct In The First Degree; felony; consecutive terms.

Sec. 520b.

(1) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with another person and if any of the following circumstances exist:

(a) That other person is under 13 years of age.

(b) That other person is at least 13 but less than 16 years of age and any of the following:

(i) The actor is a member of the same household as the victim.

(ii) The actor is related to the victim by blood or affinity to the fourth degree.

(iii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

(iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.

(v) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate

school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(c) Sexual penetration occurs under circumstances involving the commission of any other felony.

(d) The actor is aided or abetted by 1 or more other persons and either of the following circumstances exists:

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

(ii) The actor uses force or coercion to accomplish the sexual penetration. Force or coercion includes, but is not limited to, any of the circumstances listed in subdivision (f).

(e) The actor is armed with a weapon or any article used or fashioned to lead the victim to reasonably believe it to be a weapon.

(f) The actor causes personal injury to the victim and force or coercion is used to accomplished sexual penetration. Force or coercion includes, but is not limited to, any of the following circumstances:

(i) When the actor overcomes the victim through the actual application of physical force or physical violence.

(ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute these threats.

(iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the

victim believes that the actor has the ability to execute this threat. As used in this subdivision, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

(iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes that are medically recognized as unethical or unacceptable.

(v) When the actor, through concealment or by the element of surprise, is able to overcome the victim.

(g) The actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:

(i) The actor is related to the victim by blood or affinity to the fourth degree.

(ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

(2) Criminal sexual conduct in the first degree is a felony punishable as follows:

(a) Except as provided in subdivisions (b) and (c), by imprisonment for life or for any term of years.

(b) For a violation that is committed by an individual 17 years of age or older against an individual less than 13 years of age by imprisonment for life or any term of years, but not less than 25 years.

(c) For a violation that is committed by an individual 17 years of age or older against an

individual less than 13 years of age, by imprisonment for life without the possibility of parole if the person was previously convicted of a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age or a violation of law of the United States, another state or political subdivision substantially corresponding to a violation of this section or section 520c, 520d, 520e, or 520g committed against an individual less than 13 years of age.

(d) In addition to any other penalty imposed under subdivision (a) or (b), the court shall sentence the defendant to lifetime electronic monitoring under section 520n.

(3) The court may order a term of imprisonment imposed under this section to be served consecutively to any term of imprisonment imposed for any other criminal offense arising from the same transaction.

Statute

MCL 750.520c. Criminal Sexual Conduct In The Second Degree; felony.

Sec. 520c.

(1) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:

(a) That other person is under 13 years of age.

(b) That other person is at least 13 but less than 16 years of age and any of the following:

(i) The actor is a member of the same household as the victim.

(ii) The actor is related by blood or affinity to the fourth degree to the victim.

(iii) The actor is in a position of authority over the victim and the actor used this authority to coerce the victim to submit.

(iv) The actor is a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled.

(v) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain

access to, or to establish a relationship with, that other person.

(c) Sexual contact occurs under circumstances involving the commission of any other felony.

(d) The actor is aided or abetted by 1 or more persons and either of the following circumstances exists:

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

(ii) The actor uses force or coercion to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f).

(e) The actor is armed with a weapon, or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon.

(f) The actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the circumstances listed in section 520b(1)(f).

(g) The actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally incapable, mentally incapacitated, or physically helpless.

(h) That other person is mentally incapable, mentally disabled, mentally incapacitated, or physically helpless, and any of the following:

(i) The actor is related to the victim by blood or affinity to the fourth degree.

(ii) The actor is in a position of authority over the victim and used this authority to coerce the victim to submit.

(i) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, the department of corrections who knows that the other person is under the jurisdiction of the department of corrections.

(j) That other person is under the jurisdiction of the department of corrections and the actor is an employee or a contractual employee of, or a volunteer with, a private vendor that operates a youth correctional facility under section 20g of the corrections code of 1953, 1953PA 232, MCL 791.220g, who knows that the other person is under the jurisdiction of the department of corrections.

(k) That other person is a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program or other probationary program and the actor is an

employee or a contractual employee of or a volunteer with the county or the department of corrections who knows that the other person is under the county's jurisdiction.

(1) The actor knows or has reason to know that a court has detained the victim in a facility while the victim is awaiting a trial or hearing, or committed the victim to a facility as a result of the victim having been found responsible for committing an act that would be a crime if committed by an adult, and the actor is an employee or contractual employee of, or a volunteer with, the facility in which the victim is detained or to which the victim was committed.

(2) Criminal sexual conduct in the second degree is a felony punishable as follows:

- (a) By imprisonment for not more than 15 years.

(b) In addition to the penalty specified in subdivision (a), the court shall sentence the defendant to lifetime electronic monitoring under section 520n if the violation involved sexual contact committed by an individual 17 years of age or older against an individual less than 13 years of age.

Statute

MCL 750.520d. Criminal Sexual Conduct In The Third Degree; felony.

Sec. 520d.

(1) A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exist:

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

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

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

(d) That other person is related to the actor by blood or affinity to the third degree and the sexual penetration occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.

(e) That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies:

(i) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This paragraph does not apply if the other person is emancipated or if both parents are lawfully married to each other at the time of the alleged violation.

(ii) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to

provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(f) That other person is at least 16 years of age but less than 26 years of age and is receiving special education services, and either of the following applies:

(i) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This paragraph does not apply if both persons are lawfully married to each other at the time of the alleged violation.

(ii) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(2) Criminal sexual conduct in the third degree is a felony punishable by imprisonment for not more than 15 years.

Statute

MCL750.520e Criminal Sexual Conduct In The Fourth Degree; misdemeanor.

Sec. 520e.

(1) A person is guilty of criminal sexual conduct in the fourth degree if he or she engages in sexual contact with another person and if any of the following circumstances exist:

(a) That other person is at least 13 years of age but less than 16 years of age, and the actor is 5 or more years older than the other person.

(b) Force or coercion is used to accomplish the sexual contact. Force or coercion includes, but is not limited to, any of the following circumstances:

(i) When the actor overcomes the victim through the actual application of physical force or physical violence.

(ii) When the actor coerces the victim to submit by threatening to use force or violence on the victim, and the victim believes that the actor has the present ability to execute that threat.

(iii) When the actor coerces the victim to submit by threatening to retaliate in the future against the victim, or any other person, and the victim believes that the actor has the ability to execute that threat. As used in this paragraph, "to retaliate" includes threats of physical punishment, kidnapping, or extortion.

(iv) When the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable.

(v) When the actor achieves the sexual contact through concealment or by the element of surprise.

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

(d) That other person is related to the actor by blood or affinity to the third degree and the sexual contact occurs under circumstances not otherwise prohibited by this chapter. It is an affirmative defense to a prosecution under this subdivision that the other person was in a position of authority over the defendant and used this authority to coerce the defendant to violate this subdivision. The defendant has the burden of proving this defense by a preponderance of the evidence. This subdivision does not apply if both persons are lawfully married to each other at the time of the alleged violation.

(e) The actor is a mental health professional and the contact occurs during or within 2 years after the period in which the victim is his or her client or patient and not his or her spouse. The consent of the victim is not a defense to a prosecution under this subdivision. A prosecution

under this subdivision shall not be used as evidence that the victim is mentally incompetent.

(f) That other person is at least 16 years of age but less than 18 years of age and a student at a public school or nonpublic school, and either of the following applies:

(i) The actor is a teacher, substitute teacher, or administrator of that public school, nonpublic school, school district, or intermediate school district. This paragraph does not apply if the other person is emancipated or if both persons are lawfully married to each other at the time of the alleged violation.

(II) The actor is an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of

this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(g) That other person is at least 16 years old but less than 26 years of age and is receiving special education services, and either of the following applies:

(i) The actor is a teacher, substitute teacher, administrator, employee, or contractual service provider of the public school, nonpublic school, school district, or intermediate school district from which that other person receives the special education services. This subparagraph does not apply if both persons are lawfully

married to each other at the time of the alleged violation.

(ii) The actor is a volunteer who is not a student in any public school or nonpublic school, or is an employee of this state or of a local unit of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(2) Criminal sexual conduct in the fourth degree is a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$500, or both.

Statute

750.520f. Second Or Subsequent Offense; penalty.

Sec. 520f.

(1) If a person is convicted of a second or subsequent offense under section 520b, 520c, or 520d, the sentence imposed under those sections for the second or subsequent offense shall provide for a mandatory minimum sentence of at least 5 years.

(2) For purposes of this section, an offense is considered a second or subsequent offense if, prior to conviction of the second or subsequent offense, the actor has at any time been convicted under section 520b, 520c, or 520d or under any similar statute of the United States or any state for a criminal sexual offense including rape, carnal knowledge, indecent liberties, gross

indecenty, or an attempt to commit such an offense.

Statute

750.520g. Assault With Intent To Commit Criminal Sexual Conduct; felony.

Sec. 520g.

(1) Assault with intent to commit criminal sexual conduct involving sexual penetration shall be a felony punishable by imprisonment for not more than 10 years.

(2) Assault with intent to commit criminal sexual conduct in the second degree is a felony punishable by imprisonment for not more than 5 years.

Statute

750.335a. Indecent Exposure

(1) A person shall not knowingly make any open or indecent exposure of his or her person or of the person of another.

(2) A person who violates subsection (1) is guilty of a crime, as follows:

(a) Except as provided in subdivision (b) or (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year, or a fine of not more than \$1,000.00, or both.

Statute

750.335a2b Aggravated Indecent Exposure

If the person was fondling his or her genitals, pubic area, buttocks, or, if the person is female,

breasts, while violating subsection (1), the person is guilty of a misdemeanor punishable by imprisonment for not more than \$2,000.00, or both.

(c) If the person was at the time of the violation a sexually delinquent person, the violation is punishable by imprisonment for an indeterminate term, the minimum of which is 1 day and the maximum of which is life.

Statute

750.338b. Gross Indecency; between male and female persons

Sec. 338b.

Any male person who, in public or in private, commits or is a party to the commission of any act of gross indecency with a female person shall be guilty of a felony, punishable as provided in

this section. Any female person who, in public or in private, commits or is a party to the commission of any act of gross indecency with a male person shall be guilty of a felony punishable as provided in this section. Any person who procures or attempts to procure the commission of any act of gross indecency by and between any male person and any female person shall be guilty of a felony punishable as provided in this section.

Any person convicted of a felony as provided in this section shall be punished by imprisonment in the state prison for not more than 5 years, or by a fine of not more than \$2,500.00, or if such person was at the time of the said offense a sexually delinquent person, may be punishable by imprisonment in the state prison for an indeterminate term, the minimum of which shall be 1 day and the maximum of which shall be life.

Statute

750.1671f Disorderly Person - Obscene Conduct

A disorderly person is charged with obscene conduct if:

the person is engaged in indecent or obscene conduct in a public place.

This person is guilty of a misdemeanor punishable by 90 Days and/or a \$500.00 fine.



Help and Healing Resources

For Victims of Sexual Assault



We sincerely hope that you find the support that you need to help you during this difficult time. The following are some resources you may wish to consult.

211 (your 24 hr. link to Health &
Human Resources)

Dial 2-1-1 or

Toll Free: 877-211-5253

Website: www.CALL-211.org

Adult Protective Services Hotline

Vulnerable Adult Helpline

Toll Free: 1-800-996-6228

(24/7 information & referral)

Bethany Christian Services
(Child & Adolescent Therapy)

Spanish & English

Holland: 616-396-0623

Catholic Charities of West Michigan

(Counseling)

Spanish & English

Holland: 616-796-9595

Resilience

(Domestic Abuse & Sexual Assault/Abuse
Support & Advocacy. Sexual Assault Nurse
Examiner for ages 13 and up.)

Holland: 616-392-2829

24 Hour Crisis Line: 616-392-1970

Childhelp USA

(Internet Safety & Child Abuse)

1-800-422-4453

Website: www.childhelpusa.org

Children's Advocacy Center

(Abuse Prevention & Intervention)

Holland: 616-393-6123

Website: www.cac-ottawa.org



Community Action Agency of Ottawa County
(Financial Self-Sufficiency Support for
Housing & Food.)
Holland: 616-393-4433

Community Action House
(Clothing Distribution, Food Pantry, Case
Management & Homeless Prevention Programs)
English & Spanish
Holland: 616-392-2368

Crime Victim Services Commission
Michigan Dept. of Community Health
(Crime Victim Compensation Applications)
Lansing: 517-373-7373

Department of Human Services
(Counseling)
Holland: 616-394-7200

Department of Human Services
(Report Adult Abuse - also
After Hours Answering Service)
Holland: 616-394-7220
Website: www.Michigan.gov/DHS

El Centro, Inc.
(Connected to Bethany Christian Services.)
Hispanic Counseling
Holland: 616-396-3391

Encourage Counseling
(Family & Couple Counseling)
Holland: 616-396-6285

Federal Bureau of Investigation's
Crimes Against Children Program
(Internet Safety & Child Abuse)
Website: www.fbigov/hq/cid/cac/crimesmain.htm

Good Samaritan Ministries
(General Assistance Resource)
Holland: 616-392-7159

Harbor Transit:
(Bus Transportation)
Grand Haven: 616-842-3200

Holland Community Hospital
(Medical Emergency)
Holland: 616-392-5141

Holland Community Hospital
Behavioral Health Services
(Outpatient & Inpatient Mental Health
Counseling Services)
Holland: 616-392-5141



Holland Rescue Mission
(Food & Shelter)
Holland: 616-396-2200

Isabel's House
(Counseling Services)
Spring Lake: 616-847-0207

Jenison Psychological Services
(Counseling Services)
Jenison: 616-457-0016

Love Inc. of NW Ottawa Co.
(General Assistance Resource)
Grand Haven: 616-846-2701
Spring Lake: 616-844-1360

MAX/Macatawa Express
(Bus Transportation)
Holland: 616-355-1010

Mental Health Helpline
(Ottawa County Residents Only)
Suicide/Crisis Intervention
Grand Haven: 616-842-4357
Holland: 616-396-4357
Toll Free: 1-866-512-4357

Michigan Attorney General's Office
1-800-24-abuse (1-800-242-2873)
(Call to Report Suspected
Abuse, Neglect, or Financial
Exploitation by a Licensed Provider
or Residential Facility.)
Website: www.michigan.gov/ag

National Center For Missing and
Exploited Children
(Internet Safety & Child Abuse)
1-800-843-5678
Website: www.missingkids.com

National Center for Victims of Crime,
National Crime Victim Helpline
(No Phone Assistance)

Website: www.ncvc.org

National Crime Prevention Council
1-800-NCPC-911 (1-800-627-2911)

Website: www.ncpc.org



National Criminal Justice Reference
Service/Office for Victims of Crime
(Resource Center)

1-800-851-3420

TTY: 1-877-712-9270

Website: www.ojp.usdoj.gov/ovc/ovcres/

National Organization For Victim Assistance
1-800-TRY-NOVA (1-800-879-6682)
Website: www.trynova.org

National Domestic Violence Resource Center
English & Spanish
1-800-537-2238
TTY: 1-800-553-2508
Website: www.nrcdv.org

National Sexual Violence
(Resource Center)
English & Spanish
1-877-739-3895
TTY: 717-909-0715
Website: www.nsvrc.org



North Ottawa Community Hospital
(Medical Emergency)
Grand Haven: 616-842-3600

Ottawa County
Community Mental Health
(Counseling Services)
Grand Haven: 616-842-5350
Holland: 616-392-1873
Hudsonville: 616-669-6160

Pathways of Michigan
(Counseling Services)
Grand Haven: 616-846-5880
Holland: 616-396-2301 (Spanish)



Pine Rest Christian Mental Health Services
(Children, Adolescent & Family Counseling)

Grand Haven: 616-847-5145

Holland: 616-820-3780

Zeeland: 616-741-3790

Prevent Child Abuse America
(Internet Safety & Child Abuse)

1-312-663-3520

Website: www.preventchildabuse.org

Salvation Army

(General Assistance)

Grand Haven: 616-842-3380

Holland: 616-392-4461

Silent Observer

(for all of Ottawa County)

Holland: 616-392-4443

The Michigan Victim Alliance
(Assists Victims of Violence,
Trauma & Abuse)

Website: www.mivictims.org



Tri Cities Ministries
(Counseling Services)
Grand Haven: 616-842-9160

Western Michigan Legal Services
(Legal Aid)
1-800-968-4887

Zeeland Community Hospital
(Medical Emergency)
Zeeland: 616-772-4644

