

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

It is a felony and is punishable by imprisonment.

The key determinant for Third Degree Criminal Sexual Conduct is: sexual penetration occurs. Personal injury does not need to be caused. The prosecutor is given discretion in whether to charge First Degree or Third Degree Criminal Sexual Conduct.

750.520e. Fourth degree criminal sexual conduct.

“(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 exists:

- (a) That other person is at least 13 years of age and under 16 years of age, and the actor is 5 years or more older than that 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 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 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 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 has knowledge that the other person is under the jurisdiction of the department of corrections.
- (e) 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 who knows that the other person is under the county’s jurisdiction.
- (f) The actor knows or has reason to know that the juvenile division of the probate court, the circuit court, or the recorder’s court of the city of Detroit 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 fourth degree is a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$500.00, or both.”

Given that young people may date individuals 5 or more years older or younger, this crime is particularly important for young people to understand.

Public Acts 17-19 of 2011 (amended Michigan's Sex Offender Registration Act (SORA), effective July 1, 2011)

Sex or sexual contact with an individual under the age of 16 is a crime punishable by imprisonment. One of the other results of being convicted of this crime may be to be listed on the sex offender registry for 15 years, 25 years, or life. A judge determines whether or not a youthful offender can be excused from the requirement of being put on the registry, depending on numerous factors including, but not limited to, the following: 1) whether the offender is being tried as a juvenile or an adult, 2) severity of the offense, 3) ages of the offender and victim, and 4) whether the offender can prove that the sexual act was in fact consensual. The Sex Offender Registry law allows youthful offenders a chance to avoid being on the sex offender registry, provided that the defendant can prove that the sexual contact was consensual with a partner between 13 and 16 years old, and provided the defendant was not more than four years older than the victim. The burden of proof to be excused from the requirement of being listed on the registry is on the defendant. Offenders cannot be placed on the registry until they reach at least 14 years old. The law allows any person that is currently on the registry for crimes that fit these parameters to petition their judge to be removed from the list.