

12665 McKinley Heights Court
Chelsea, MI 48118
March 10, 2020

Re: HB 5338 - forfeiture of Michigan public school employees' retirement benefits

Dear Representative,

I am writing to oppose mean-spirited HB 5338, which eliminates retirement benefits for public school employees convicted of a sex offense. This bill is very broad. The offender does not need to be in a position of authority over the victim, the victim does not need to be a student at the school where the offender works, or even in the school district, just a student somewhere in Michigan.

I call this bill mean-spirited because it is clearly punitive and does not improve community safety.

Michigan already has very strong punishments for those who violate its sex offense laws. There is no need for additional punishment. I have been taught that the punishment should fit the crime. Adding financial hardship on top of the other punishments is very much overkill.

People who have been convicted of a sexual felony are already hurt financially. If they are working as a public school employee when they are charged, they will surely lose their job. They will lose money hiring a lawyer, if they can afford one. After a perhaps lengthy incarceration, where they can earn up to 30 cents per hour on work they do, they will be released, where they can get a low-paying job. Since the sex offense registry publishes the address of employers, and state law prohibits working in certain industries such as health care, and due to public prejudice, it is unlikely that he or she will be able to get a good job. Out of their meager salary, they will be asked to pay court costs, victim restitution fees, supervision fees, tether fees, and sex offense registration fees.

The pension perhaps would help them pay some of these ordered costs. The lack of a pension, on the other hand, may force the person and their family onto state benefit programs. So, forfeiting their pension, which looks like a fiscal benefit to the state, may actually incur costs to the state that it wouldn't otherwise have.

In addition, you may not only be punishing the person convicted. If they are married, removing their pension will punish their innocent spouse and children.

Lastly, in some cases this law explicitly allows retroactive punishment of the offender which is clearly illegal.

Sincerely,

Kathie Gourlay

Oppose HB 5338

I would like to indicate my opposition to HB 5338 with you as a member of the House Judiciary Committee. The bill would withhold retirement benefits from school employees convicted of sex offenses. I believe it will be counterproductive for these reasons:

(1) Increasing penalties for crimes does not increase deterrence.

(2) Impoverishing people who have served their time in prison can create alienation and hopelessness that trigger new crimes.

(3) The community will have to pay for the care of impoverished people one way or another.