

**SUBSTITUTE FOR
SENATE BILL NO. 585**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending the title and sections 448, 449, 450, 451, and 462 (MCL
750.448, 750.449, 750.450, 750.451, and 750.462), the title as
amended by 2010 PA 107, section 448 as amended by 2002 PA 45,
sections 449, 450, and 462 as amended by 2002 PA 46, and section
451 as amended by 2002 PA 44, and by adding section 451b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

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An act to revise, consolidate, codify, and add to the statutes
relating to crimes; to define crimes and prescribe the penalties
and remedies; to provide for restitution under certain
circumstances; to provide for the competency of evidence at the
trial of persons accused of crime; to provide immunity from

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1 prosecution for certain witnesses appearing at criminal trials; to
2 provide for liability for damages; **TO PREEMPT CERTAIN ORDINANCES;**
3 and to repeal certain acts and parts of acts inconsistent with or
4 contravening any of the provisions of this act.

5 Sec. 448. A person ~~16~~-18 years of age or older who accosts,
6 solicits, or invites another person in a public place or in or from
7 a building or vehicle, by word, gesture, or any other means, to
8 commit prostitution or to do any other lewd or immoral act, is
9 guilty of a crime punishable as provided in section 451.

10 Sec. 449. A person ~~16~~-18 years of age or older who receives or
11 admits or offers to receive or admit a person into a place,
12 structure, house, building, or vehicle for the purpose of
13 prostitution, lewdness, or assignation, or who knowingly permits a
14 person to remain in a place, structure, house, building, or vehicle
15 for the purpose of prostitution, lewdness, or assignation, is
16 guilty of a crime punishable as provided in section 451.

17 Sec. 450. A person ~~16~~-18 years of age or older who aids,
18 assists, or abets another person to commit or offer to commit an
19 act prohibited under section 448 or 449 is guilty of a crime
20 punishable as provided in section 451.

21 Sec. 451. (1) Except as otherwise provided in this section, a
22 person convicted of violating section 448, 449, 449a, 450, or 462
23 is guilty of a misdemeanor punishable by imprisonment for not more
24 than 93 days or a fine of not more than \$500.00, or both.

25 (2) A person ~~16~~-18 years of age or older who is convicted of
26 violating section 448, 449, 449a, 450, or 462 and who has 1 prior
27 conviction is guilty of a misdemeanor punishable by imprisonment

1 for not more than 1 year or a fine of not more than \$1,000.00, or
2 both.

3 (3) A person convicted of violating section 448, 449, 449a,
4 450, or 462 and who has 2 or more prior convictions is guilty of a
5 felony punishable by imprisonment for not more than 2 years, or a
6 fine of not more than \$2,000.00, or both.

7 (4) If the prosecuting attorney intends to seek an enhanced
8 sentence based upon the defendant having 1 or more prior
9 convictions, the prosecuting attorney shall include on the
10 complaint and information a statement listing the prior conviction
11 or convictions. The existence of the defendant's prior conviction
12 or convictions shall be determined by the court, without a jury, at
13 sentencing or at a separate hearing for that purpose before
14 sentencing. The existence of a prior conviction may be established
15 by any evidence relevant for that purpose, including, but not
16 limited to, 1 or more of the following:

17 (a) A copy of the judgment of conviction.

18 (b) A transcript of a prior trial, plea-taking, or sentencing.

19 (c) Information contained in a presentence report.

20 (d) The defendant's statement.

21 (5) IF A PERSON UNDER 18 YEARS OF AGE IS FOUND ENGAGING IN ANY
22 CONDUCT THAT WOULD BE A VIOLATION OF SECTION 448, 449, 450, OR 462
23 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 448,
24 449, 450, OR 462 IF ENGAGED IN BY A PERSON 18 YEARS OF AGE OR OVER,
25 IT SHALL BE PRESUMED THAT THE PERSON UNDER 18 YEARS OF AGE WAS
26 COERCED INTO CHILD SEXUALLY ABUSIVE ACTIVITY OR INTO COMMERCIAL
27 SEXUAL ACTIVITY IN VIOLATION OF SECTION 462G OR OTHERWISE FORCED OR

1 COERCED INTO COMMITTING THAT OFFENSE BY ANOTHER PERSON ENGAGED IN
2 HUMAN TRAFFICKING IN VIOLATION OF SECTIONS 462A TO 462J. A PERSON
3 UNDER 18 YEARS OF AGE DESCRIBED IN THIS SUBSECTION IS SUBJECT TO
4 THE TEMPORARY PROTECTIVE CUSTODY PROVISIONS OF SECTION 14A OF
5 CHAPTER XIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL
6 712A.14A, AND THE STATE MAY PETITION THE COURT TO FIND THAT PERSON
7 TO BE A DEPENDENT JUVENILE IN NEED OF SERVICES UNDER SECTION
8 2(B)(3) OF CHAPTER XIIA OF THE PROBATE CODE OF 1939, 1939 PA 288,
9 MCL 712A.2.

10 (6) ~~(5)~~—As used in this section, "prior conviction" means a
11 violation of section 448, 449, 449a, 450, or 462 or a violation of
12 a law of another state or of a political subdivision of this state
13 or another state substantially corresponding to section 448, 449,
14 449a, 450, or 462.

15 SEC. 451B. (1) A LOCAL UNIT OF GOVERNMENT SHALL NOT ENACT OR
16 ENFORCE AN ORDINANCE THAT PROSCRIBES CONDUCT ADDRESSED IN SECTION
17 448, 449, OR 450 THAT ESTABLISHES A LOWER MINIMUM AGE FOR THE
18 VIOLATOR THAN IS ESTABLISHED IN THOSE SECTIONS.

19 (2) AS USED IN THIS SECTION, "LOCAL UNIT OF GOVERNMENT" MEANS
20 ANY OF THE FOLLOWING:

21 (A) A CITY, VILLAGE, OR TOWNSHIP.

22 (B) A COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

23 Sec. 462. A person who, for a purpose other than prostitution,
24 takes or conveys to, or employs, receives, detains, or allows a
25 person ~~16-18~~ years of age or less to remain in, a house of
26 prostitution, house of ill-fame, bawdy-house, house of assignation,
27 or any house or place for the resort of prostitutes or other

1 disorderly persons is guilty of a crime punishable as provided in
2 section 451.

3 Enacting section 1. This amendatory act does not take effect
4 unless Senate Bill No. 586 of the 97th Legislature is enacted into
5 law.