

**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, and 451 (MCL
750.448, 750.449, 750.450, and 750.451), the title as amended by
2010 PA 107, section 448 as amended by 2002 PA 45, sections 449 and
450 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

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

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

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

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

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

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

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

1 conviction is guilty of a misdemeanor punishable by imprisonment
2 for not more than 1 year or a fine of not more than \$1,000.00, or
3 both.

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

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

- 18 (a) A copy of the judgment of conviction.
19 (b) A transcript of a prior trial, plea-taking, or sentencing.
20 (c) Information contained in a presentence report.
21 (d) The defendant's statement.

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

1 SECTION 462G OR OTHERWISE FORCED OR COERCED INTO COMMITTING THAT
2 OFFENSE BY ANOTHER PERSON ENGAGED IN HUMAN TRAFFICKING IN VIOLATION
3 OF SECTIONS 462A TO 462J. A PERSON UNDER 18 YEARS OF AGE DESCRIBED
4 IN THIS SUBSECTION IS SUBJECT TO THE TEMPORARY PROTECTIVE CUSTODY
5 PROVISIONS OF SECTION 14A OF CHAPTER XIIIA OF THE PROBATE CODE OF
6 1939, 1939 PA 288, MCL 712A.14A, AND THE STATE MAY PETITION THE
7 COURT TO FIND THAT PERSON TO BE A DEPENDENT JUVENILE IN NEED OF
8 SERVICES UNDER SECTION 2(B)(3) OF CHAPTER XIIIA OF THE PROBATE CODE
9 OF 1939, 1939 PA 288, 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 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No. 586 of the 97th Legislature is enacted into
25 law.