

HUMAN TRAFFICKING

House Bill 5747

Sponsor: Rep. Phil Pavlov

House Bill 5748

Sponsor: Rep. David Farhat

Committee: Judiciary

Complete to 3-6-06

A SUMMARY OF HOUSE BILLS 5747 AND 5748 AS INTRODUCED 2-23-06

House Bill 5747 would amend the Michigan Penal Code (MCL 750.462a et al.) to add a new chapter, Chapter 57A, dealing with human trafficking. House Bill 5748 would make corresponding amendments to sentencing guidelines in the Code of Criminal Procedure MCL 777.16w).

The bills would describe the following crimes.

Forced Labor or Services

- Knowingly subjecting or attempting to subject another person to forced labor or services by causing or threatening to cause physical harm.
- Knowingly subjecting or attempting to subject another to forced labor or services by physically restraining or threatening to physically restrain.
- Knowingly subjecting or attempting to subject another to forced labor or services by abusing or threatening to abuse the law or legal process.
- Knowingly subjecting or attempting to subject another to forced labor or services by destroying, concealing, removing, confiscating, or possessing an actual or purported passport or other immigration document, or any other actual or purported government identification document.
- Knowingly subjecting or attempting to subject another to forced labor or services by using blackmail, using or threatening to cause financial harm, or exerting or threatening to exert financial control over another.
- Recruiting, enticing, harboring, transporting, providing, or obtaining by any means another person, intending or knowing that the person will be subjected to forced labor or services (or attempting any of those actions).

Each of the crimes listed above would be a felony punishable by up to 10 years imprisonment. If a violation caused another person injury, the term of imprisonment would be up to 15 years. If a violation caused the death of another person, the term of imprisonment would be life or any term of years.

The term "labor" would refer to *work of economic or financial value*. The term "services" would refer to *an ongoing relationship between one person and another in which the other person performs activities under the supervision of or for the benefit of the person, including commercial sexual activity and sexually explicit performances*.

Child Sexually Abusive Activity

Recruiting, enticing, harboring, transporting, providing, or obtaining by any means a minor knowing that the minor will be used for child sexually abusive activity.

This crime would be a felony carrying a penalty of imprisonment up to 20 years. The term "child sexually abusive activity" is defined in Section 145c of Chapter 20 of the Penal Code and refers to children performing certain listed sexual acts.

Kidnapping, Criminal Sexual Conduct, and Attempt to Kill

If a violation of Chapter 57A involved kidnapping, criminal sexual conduct (or an attempt), or attempt to kill, the defendant would be imprisoned for life or any term of years.

Mandated Reports

The Attorney General, in consultation with the Department of Human Services, would be required to issue a report outlining how existing laws and regulations respond to the needs of trafficking victims and suggesting areas of improvement. The report would have to be issued within one year of the effective date of House Bill 5747.

The Department of Human Services, in conjunction with the Attorney General, would have to issue a report within one year outlining how existing social programs respond or fail to respond to the needs of trafficking victims and the interplay of those programs with federally funded victim service programs. The report would have to contain suggestions for improvements, and address the ability of state programs and licensing bodies to recognize federal T Nonimmigrant Status for purposes of benefits, programs, and licenses. (Generally speaking, this is a status that provides temporary immigration benefits to individuals who can demonstrate to the federal government that they, or their immediate family members, are victims of a severe form of trafficking in persons.)

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state and no fiscal impact on local units of government. Costs would depend on how the bills affected numbers of felony convictions and lengths and types of sentences imposed. Any additional costs of incarceration or felony probation would be borne by the state; the average cost of incarceration in state prison is about \$30,000 per prisoner per year, and the average cost of parole/probation supervision is about \$2,000 per offender per year.

The reporting requirements in the bill would impose one-time costs on the Department of Human Services and Office of the Attorney General. Information is not currently available to estimate these costs.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.