

SUBSTITUTE FOR
SENATE BILL NO. 205

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 449a, 450, and 451 (MCL 750.449a, 750.450, and
750.451), section 450 as amended by 2002 PA 46 and section 451 as
amended by 2002 PA 44.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 449a. (1) ~~Any male~~ **EXCEPT AS PROVIDED IN SUBSECTION (2),**
2 **A** person who engages or offers to engage the services of a ~~female~~
3 **ANOTHER** person, not his ~~wife,~~ **OR HER SPOUSE,** for the purpose of
4 prostitution, lewdness, or assignation, by the payment in money or
5 other forms of consideration, is guilty of a misdemeanor. ~~Any A~~
6 person convicted of violating this section ~~shall be~~ **IS** subject to
7 ~~the provisions of Act No. 6 of the Public Acts of the Second Extra~~
8 ~~Session of 1942, being sections 329.201 to 329.208 of the Compiled~~

1 ~~Laws of 1948.~~ PART 52 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
2 333.5201 TO 333.5210.

3 (2) A PERSON WHO ENGAGES OR OFFERS TO ENGAGE THE SERVICES OF
4 ANOTHER PERSON, WHO IS LESS THAN 18 YEARS OF AGE AND WHO IS NOT HIS
5 OR HER SPOUSE, FOR THE PURPOSE OF PROSTITUTION, LEWDNESS, OR
6 ASSIGNATION, BY THE PAYMENT IN MONEY OR OTHER FORMS OF
7 CONSIDERATION, IS GUILTY OF A CRIME PUNISHABLE AS PROVIDED IN
8 SECTION 451.

9 Sec. 450. A person 16 years of age or older who aids, assists,
10 or abets another person to commit or offer to commit an act
11 prohibited under section 448, ~~or 449~~, OR 449A is guilty of a crime
12 punishable as provided in section 451.

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

17 (2) A person 16 years of age or older who is convicted of
18 violating section 448, 449, ~~449a~~, ~~449A(1)~~, 450, or 462 and who has
19 1 prior conviction is guilty of a misdemeanor punishable by
20 imprisonment for not more than 1 year or a fine of not more than
21 \$1,000.00, or both.

22 (3) A person convicted of violating section 448, 449, ~~449a~~,
23 ~~449A(1)~~, 450, or 462 and who has 2 or more prior convictions is
24 guilty of a felony punishable by imprisonment for not more than 2
25 years ~~or~~ a fine of not more than \$2,000.00, or both.

26 (4) A PERSON CONVICTED OF VIOLATING SECTION 449A(2) IS GUILTY
27 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR

1 A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

2 (5) ~~(4)~~—If the prosecuting attorney intends to seek an
3 enhanced sentence based upon the defendant having 1 or more prior
4 convictions, the prosecuting attorney shall include on the
5 complaint and information a statement listing the prior conviction
6 or convictions. The existence of the defendant's prior conviction
7 or convictions shall be determined by the court, without a jury, at
8 sentencing or at a separate hearing for that purpose before
9 sentencing. The existence of a prior conviction may be established
10 by any evidence relevant for that purpose, including, but not
11 limited to, 1 or more of the following:

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

16 (6) ~~(5)~~—As used in this section, "prior conviction" means a
17 violation of section 448, 449, ~~449a~~, **449A(1)**, 450, or 462 or a
18 violation of a law of another state or of a political subdivision
19 of this state or another state substantially corresponding to
20 section 448, 449, 449a, 450, or 462.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.