

# HOUSE BILL NO. 5841

June 25, 2024, Introduced by Reps. Xiong, Breen, Brenda Carter, Hope, Rheingans, Weiss, Koleszar, Glanville, Hill, Mentzer, Conlin, Pohutsky, Steckloff, Fitzgerald, Byrnes, Rogers, McFall, Witwer and Coffia and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending the heading of chapter LXVII and sections 13, 159g, 167, 411j, 448, 449, 450, 451, 451a, 451c, 452, 454, 455, 456, 457, 458, 459, 460, 462, and 520m (MCL 750.13, 750.159g, 750.167, 750.411j, 750.448, 750.449, 750.450, 750.451, 750.451a, 750.451c, 750.452, 750.454, 750.455, 750.456, 750.457, 750.458, 750.459, 750.460, 750.462, and 750.520m), section 13 as amended by 2015 PA 210, section 159g as amended by 2022 PA 174, section 167 as amended by 2014 PA 199, section 411j as amended by 2019 PA 171, section 448

as amended by 2002 PA 45, sections 449 and 462 as amended by 2002 PA 46, section 450 as amended by 2014 PA 326, section 451 as amended by 2016 PA 338, section 451a as amended by 2017 PA 195, section 451c as amended by 2017 PA 34, sections 452, 455, 456, 457, 458, and 460 as amended by 2014 PA 331, section 454 as amended by 2002 PA 672, section 459 as amended by 2016 PA 485, and section 520m as amended by 2014 PA 459; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 13. A person who takes or entices away a minor under the  
2 age of ~~16~~**18** years from the minor's ~~father, mother, parent,~~  
3 guardian, or other person having the legal charge of the minor,  
4 without their consent, for the purpose of ~~prostitution,~~  
5 ~~concubinage,~~**commercial sexual activity, child sexually abusive**  
6 **activity,** sexual intercourse, or marriage is guilty of a felony  
7 punishable by imprisonment for not more than 10 years.

8           Sec. 159g. As used in this chapter, "racketeering" means  
9 committing, attempting to commit, conspiring to commit, or aiding  
10 or abetting, soliciting, coercing, or intimidating a person to  
11 commit an offense for financial gain by obtaining money, property,  
12 or any other thing of value, involving any of the following:

13           (a) A felony violation of section 8 of the tobacco products  
14 tax act, 1993 PA 327, MCL 205.428, concerning tobacco product  
15 taxes, or section 9 of former 1947 PA 265, concerning cigarette  
16 taxes.

17           (b) A violation of section 11151(3) of the natural resources  
18 and environmental protection act, 1994 PA 451, MCL 324.11151, or  
19 section 48(3) of former 1979 PA 64, concerning felonious disposal  
20 of hazardous waste.

1 (c) A felony violation of part 74 of the public health code,  
2 1978 PA 368, MCL 333.7401 to 333.7461, concerning controlled  
3 substances.

4 (d) A felony violation of section 7340, 7340c, or 17766c of  
5 the public health code, 1978 PA 368, MCL 333.7340, 333.7340c, and  
6 333.17766c, concerning ephedrine or pseudoephedrine.

7 (e) A felony violation of section 60 of the social welfare  
8 act, 1939 PA 280, MCL 400.60, concerning welfare fraud.

9 (f) A violation of section 4, 5, or 7 of the medicaid false  
10 claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607,  
11 concerning Medicaid fraud.

12 (g) A felony violation of section 18 of the Michigan ~~gaming~~  
13 ~~control and revenue act~~, **Gaming Control and Revenue Act**, 1996 IL 1,  
14 MCL 432.218, concerning the business of gaming.

15 (h) A felony violation of section 909(4) of the Michigan  
16 liquor control code of 1998, 1998 PA 58, MCL 436.1909, concerning  
17 the illegal sale, delivery, or importation of spirits.

18 (i) A violation of section 508 of the uniform securities act  
19 (2002), 2008 PA 551, MCL 451.2508, concerning fraud.

20 (j) A violation of section 5 or 7 of 1978 PA 33, MCL 722.675  
21 and 722.677, concerning the display or dissemination of obscene  
22 matter to minors.

23 (k) A violation of section 49, concerning animal fighting.

24 (l) A felony violation of section 72, 73, 74, 75, or 77,  
25 concerning arson.

26 (m) A violation of section 93, 94, 95, or 96, concerning bank  
27 bonds, bills, notes, and property.

28 (n) A violation of section 110 or 110a, concerning breaking  
29 and entering or home invasion.

1 (o) A violation of section 117, 118, 119, 120, 121, or 124,  
2 concerning bribery.

3 (p) A violation of section 120a, concerning jury tampering.

4 (q) A violation of section 145c, concerning child sexually  
5 abusive activity or material.

6 (r) A violation of section 145d, concerning internet or  
7 computer crimes.

8 (s) A felony violation of section 157n, 157p, 157q, 157r,  
9 157s, 157t, or 157u, concerning credit cards or financial  
10 transaction devices.

11 (t) A felony violation of section 174, 175, 176, 180, 181, or  
12 182, concerning embezzlement.

13 (u) A felony violation of chapter XXXVIII, concerning  
14 explosives and bombs.

15 (v) A violation of section 213, concerning extortion.

16 (w) A felony violation of section 218, concerning false  
17 pretenses.

18 (x) A felony violation of section 223(2), 224(1)(a), (b), or  
19 (c), 224b, 224c, 224e(1), 226, 227, 234a, 234b, or 237a, concerning  
20 firearms or dangerous weapons.

21 (y) A felony violation of chapter XLI, concerning forgery and  
22 counterfeiting.

23 (z) A violation of section 271, 272, 273, or 274, concerning  
24 securities fraud.

25 (aa) A violation of section 300a, concerning food stamps or  
26 coupons or access devices.

27 (bb) A violation of section 301, 302, 303, 304, 305, 305a, or  
28 313, concerning gambling.

29 (cc) A violation of section 316 or 317, concerning murder.

1 (dd) A violation of section 330, 331, or 332, concerning horse  
2 racing.

3 (ee) A violation of section 349, 349a, or 350, concerning  
4 kidnapping.

5 (ff) A felony violation of chapter LII, concerning larceny.

6 (gg) A violation of section 411k, concerning money laundering.

7 (hh) A violation of section 422, 423, 424, or 425, concerning  
8 perjury or subornation of perjury.

9 (ii) A violation of section 452, 455, 457, 458, or 459,  
10 concerning ~~prostitution~~. **commercial sexual activity**.

11 (jj) A violation of chapter LXVIIA, concerning human  
12 trafficking.

13 (kk) A violation of section 529, 529a, 530, or 531, concerning  
14 robbery.

15 (ll) A felony violation of section 535 or 535a, concerning  
16 stolen, embezzled, or converted property.

17 (mm) A violation of chapter LXXXIII-A, concerning terrorism.

18 (nn) A violation of section 5 of 1984 PA 343, MCL 752.365,  
19 concerning obscenity.

20 (oo) A felony violation of the identity theft protection act,  
21 2004 PA 452, MCL 445.61 to 445.79d.

22 (pp) A violation of section 4 of the organized retail crime  
23 act, 2012 PA 455, MCL 752.1084.

24 (qq) An offense committed within this state or another state  
25 that constitutes racketeering activity as defined in 18 USC  
26 1961(1).

27 (rr) An offense committed within this state or another state  
28 in violation of a law of the United States that is substantially  
29 similar to a violation listed in subdivisions (a) through (qq).

1 (ss) An offense committed in another state in violation of a  
2 statute of that state that is substantially similar to a violation  
3 listed in subdivisions (a) through (qq).

4 Sec. 167. (1) A person is a disorderly person if the person is  
5 any of the following:

6 (a) A person of sufficient ability who refuses or neglects to  
7 support ~~his or her~~ **the person's** family.

8 (b) A ~~common prostitute~~ **person engaged in commercial sexual**  
9 **activity.**

10 (c) A window peeper.

11 (d) A person who engages in an illegal occupation or business.

12 (e) A person who is intoxicated in a public place and who is  
13 either endangering directly the safety of another person or of  
14 property or is acting in a manner that causes a public disturbance.

15 (f) A person who is engaged in indecent or obscene conduct in  
16 a public place.

17 (g) A vagrant.

18 (h) A person found begging in a public place.

19 (i) A person found loitering in a house, ~~of ill fame or~~  
20 ~~prostitution or place where prostitution or lewdness~~ **vehicle, or**  
21 **other place in which commercial sexual activity** is practiced,  
22 encouraged, or allowed.

23 (j) A person who knowingly loiters in or about a place where  
24 an illegal occupation or business is being conducted.

25 (k) A person who loiters in or about a police station, police  
26 headquarters building, county jail, hospital, court building, or  
27 other public building or place for the purpose of soliciting  
28 employment of legal services or the services of sureties upon  
29 criminal recognizances.

1 (l) A person who is found jostling or roughly crowding people  
2 unnecessarily in a public place.

3 (2) If a person who has been convicted of refusing or  
4 neglecting to support ~~his or her~~ **the person's** family under this  
5 section is charged with subsequent violations within a period of 2  
6 years, that person ~~shall~~ **must** be prosecuted as a ~~second offender or~~  
7 ~~third and subsequent offender~~ **person who was previously convicted**  
8 as ~~provided~~ **described** in section ~~168,~~ **168 (2) (b)**, if the family of  
9 that person is then receiving public relief or support.

10 (3) A mother's breastfeeding of a child or expressing breast  
11 milk does not constitute indecent or obscene conduct under  
12 subsection (1) regardless of whether or not ~~her~~ **the mother's** areola  
13 or nipple is visible during or incidental to the breastfeeding or  
14 expressing of breast milk.

15 Sec. 411j. As used in this section and sections 411k to 411q:

16 (a) "Controlled substance offense" means a felony violation of  
17 part 74 of the public health code, 1978 PA 368, MCL 333.7401 to  
18 333.7461, concerning controlled substances.

19 (b) "Cryptocurrency" means digital currency in which  
20 encryption techniques are used to regulate the generation of units  
21 of currency and verify the transfer of funds, and that operates  
22 independently of a central bank.

23 (c) "Knowingly", in the case of a corporation, means with the  
24 approval or prior actual knowledge of the board of directors, a  
25 majority of the directors, or persons who together hold a majority  
26 of the voting ownership interests in the corporation. In  
27 determining whether a majority of the directors approved of or had  
28 knowledge of the activity, a director who was not aware of the  
29 activity due to ~~his or her~~ **the director's** own negligence or other

1 fault is regarded as having had knowledge of the activity. This  
2 subdivision does not limit the liability of any individual officer,  
3 employee, director, or stockholder of a corporation.

4 (d) "Financial transaction" means a purchase, sale, loan,  
5 pledge, gift, transfer, delivery, exchange, or other disposition of  
6 a monetary instrument or other property and, with respect to a  
7 financial institution, includes a deposit, withdrawal, transfer  
8 between accounts, exchange of currency, loan, extension of credit,  
9 purchase or sale of any stock, bond, certificate of deposit, or  
10 other monetary instrument, or any other payment, transfer, or  
11 delivery by, through, or to a financial institution, by whatever  
12 means effected.

13 (e) "Financial institution" means 1 or more of the following,  
14 if located in or doing business in this state:

15 (i) An insured bank, as defined in section 3(h) of the federal  
16 deposit insurance act, 12 USC 1813(h).

17 (ii) A commercial bank or trust company.

18 (iii) A private banker.

19 (iv) An agency or branch of a foreign bank.

20 (v) A savings and loan institution.

21 (vi) A thrift institution.

22 (vii) A credit union.

23 (viii) A broker or dealer registered with the securities and  
24 exchange commission under the securities exchange act of 1934, 15  
25 USC 78a to ~~78nn-78rr~~.

26 (ix) A broker or dealer in securities or commodities.

27 (x) An investment banker or investment company.

28 (xi) A currency exchange.



1           (xii) An insurer, redeemer, or cashier of traveler's checks,  
2 checks, or money orders.

3           (xiii) An operator of a credit card system.

4           (xiv) An insurance company.

5           (xv) A dealer in precious metals, stones, or jewels.

6           (xvi) A pawnbroker.

7           (xvii) A loan, finance, or mortgage company.

8           (xviii) A travel agency.

9           (xix) A licensed sender of money.

10          (xx) A telegraph company.

11          (f) "Monetary instrument" means coin or currency of the United  
12 States or another country, or group of countries, a traveler's  
13 check, personal check, bank check, money order, cryptocurrency, or  
14 investment security or negotiable instrument in bearer form or in  
15 any other form such that delivery is sufficient to pass title.

16          (g) "Proceeds of a specified criminal offense" means any  
17 monetary instrument or other real, personal, or intangible property  
18 obtained through the commission of a specified criminal offense,  
19 including any appreciation in the value of the monetary instrument  
20 or property.

21          (h) "Specified criminal offense" means any of the following:

22           (i) A felony violation of section 8 of the tobacco products tax  
23 act, 1993 PA 327, MCL 205.428, or section 9 of former 1947 PA 265,  
24 concerning cigarette taxes.

25           (ii) A violation of section 11151 of the natural resources and  
26 environmental protection act, 1994 PA 451, MCL 324.11151, or  
27 section 48(3) of former 1979 PA 64, concerning felonious disposal  
28 of hazardous waste.

1 (iii) A controlled substance offense.

2 (iv) A felony violation of section 60 of the social welfare  
3 act, 1939 PA 280, MCL 400.60, concerning welfare fraud.

4 (v) A violation of section 4, 5, or 7 of the medicaid false  
5 claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607,  
6 concerning Medicaid fraud.

7 (vi) A felony violation of section 18 of the Michigan ~~gaming~~  
8 ~~control and revenue act, **Gaming Control and Revenue Act**~~, 1996 IL 1,  
9 MCL 432.218, concerning the business of gaming.

10 (vii) A violation of section 409 of former 1964 PA 265, or  
11 section 508 of the uniform securities act (2002), 2008 PA 551, MCL  
12 451.2508, concerning securities fraud.

13 (viii) A violation of section 5 or 7 of 1978 PA 33, MCL 722.675  
14 and 722.677, concerning the display or dissemination of obscene  
15 matter to minors.

16 (ix) A felony violation of section 72, 73, 74, or 75,  
17 concerning arson.

18 (x) A violation of section 93, 94, 95, or 96, concerning bank  
19 bonds, bills, notes, or property.

20 (xi) A violation of section 117, 118, 119, 120, 121, or 124,  
21 concerning bribery.

22 (xii) A violation of section 120a, concerning jury tampering.

23 (xiii) A violation of section 145c, concerning child sexually  
24 abusive activity or material.

25 (xiv) A felony violation of section 157n, 157p, 157q, 157r,  
26 157s, 157t, or 157u, concerning credit cards or financial  
27 transaction devices.

28 (xv) A violation of section 159i, concerning racketeering.

1           (xvi) A felony violation of section 174, 175, 176, 180, 181, or  
2 182, concerning embezzlement.

3           (xvii) A felony violation of chapter XXXIII, concerning  
4 explosives or bombs.

5           (xviii) A violation of section 213, concerning extortion.

6           (xix) A felony violation of section 218, concerning false  
7 pretenses.

8           (xx) A felony violation of chapter XLI, concerning forgery or  
9 counterfeiting.

10          (xxi) A violation of section 271, 272, 273, or 274, concerning  
11 securities fraud.

12          (xxii) A violation of section 301, 302, 303, 304, 305, 305a, or  
13 313, concerning gambling.

14          (xxiii) A violation of section 316 or 317 concerning murder.

15          (xxiv) A violation of section 330, 331, or 332, concerning  
16 horse racing.

17          (xxv) A violation of section 349, 349a, or 350, concerning  
18 kidnapping.

19          (xxvi) A felony violation of chapter LII, concerning larceny.

20          (xxvii) A violation of section 422, 423, 424, or 425, concerning  
21 perjury or subornation of perjury.

22          (xxviii) A violation of section 452, 455, 457, 458, or 459,  
23 concerning ~~prostitution~~ **commercial sexual activity**.

24          (xxix) A violation of section 529, 530, or 531, concerning  
25 robbery.

26          (xxx) A felony violation of section 535 or 535a, concerning  
27 stolen, embezzled, or converted property.

28          (xxxi) A violation of chapter LXXXIII-A, concerning terrorism.

1 (xxxii) A violation of section 5 of 1984 PA 343, MCL 752.365,  
2 concerning obscenity.

3 (xxxiii) A conspiracy, attempt, or solicitation to commit an  
4 offense listed in subparagraphs (i) to (xxxii).

5 (i) "Substituted proceeds of a specified criminal offense"  
6 means any monetary instrument or other real, personal, or  
7 intangible property obtained or any gain realized by the sale or  
8 exchange of proceeds of a specified criminal offense.

9 CHAPTER LXVII

10 ~~PROSTITUTION~~ **COMMERCIAL SEXUAL ACTIVITY**

11 Sec. 448. ~~A person 16 years of age or older who accosts,~~  
12 ~~solicits, or invites another person in a public place or in or from~~  
13 ~~a building or vehicle, by word, gesture, or any other means, to~~  
14 ~~commit prostitution or to do any other lewd or immoral act, is~~  
15 ~~guilty of a crime punishable as provided in section 451.~~ **As used in**  
16 **this chapter, "commercial sexual activity" means that term as**  
17 **defined in section 462a.**

18 Sec. 449. **(1) A person 18 years of age or older who accosts,**  
19 **solicits, or invites another person in a public place or in or from**  
20 **a building or vehicle, by word, gesture, or other means, to provide**  
21 **commercial sexual activity is guilty of a crime punishable as**  
22 **provided in section 451.**

23 **(2) A person 16-18 years of age or older who receives or**  
24 **admits or offers to receive or admit a person into a place,**  
25 **structure, house, building, or vehicle for the purpose of**  
26 **prostitution, lewdness, or assignation, commercial sexual activity**  
27 **or who knowingly permits a person to remain in a place, structure,**  
28 **house, building, or vehicle for the purpose of prostitution,**  
29 **lewdness, or assignation, commercial sexual activity is guilty of a**

1 crime punishable as provided in section 451.

2 (3) A person 18 years of age or older who provides or offers  
3 to provide a commercial sexual activity is guilty of a crime  
4 punishable as provided in section 451.

5 (4) Except as provided in subsection (5), a person who obtains  
6 or offers to obtain a commercial sexual activity is guilty of a  
7 crime punishable as provided in section 451. A person who is  
8 convicted of violating this section is subject to part 52 of the  
9 public health code, 1978 PA 368, MCL 333.5201 to 333.5210.

10 (5) A person who obtains or offers to obtain commercial sexual  
11 activity from a person who is less than 18 years of age is guilty  
12 of a crime punishable as provided in section 451.

13 (6) A person 18 years of age or older who aids, assists, or  
14 abets another person to commit or offer to commit an act prohibited  
15 under subsections (1), (2), (3), (4), or (5) is guilty of a crime  
16 punishable as provided in section 451.

17 Sec. 450. ~~A person 16 years of age or older who aids, assists,~~  
18 ~~or abets another person to commit or offer to commit an act~~  
19 ~~prohibited under section 448, 449, or 449a is guilty of a crime~~  
20 ~~punishable as provided in section 451.~~ **If the person's actions that**  
21 **violated section 449 were a direct result of being a victim of**  
22 **human trafficking under chapter LXVIIA or if the person's actions**  
23 **were caused, induced, persuaded, encouraged, or enticed by a**  
24 **promise or threat, violence, or any device or scheme in violation**  
25 **of section 455, the person must be assessed for a deferral under**  
26 **section 451c.**

27 Sec. 451. (1) Except as otherwise provided in this section, a  
28 person convicted of violating section ~~448, 449, 449a(1), 450,~~  
29 **449(1), (2), (3), (4), or (6)** or 462 is guilty of a misdemeanor

1 punishable by imprisonment for not more than 93 days, ~~or~~a fine of  
2 not more than \$500.00, or both.

3 (2) A person ~~16-18~~ years of age or older who is convicted of  
4 violating section ~~448, 449, 449a(1), 450, 449(1), (2), (3), (4), or~~  
5 ~~(6)~~ or 462 and who has 1 prior conviction is guilty of a  
6 ~~misdemeanor~~**felony** punishable by imprisonment for not more than ~~1~~  
7 ~~year or~~**2 years**, a fine of not more than ~~\$1,000.00,~~**\$2,000.00**, or  
8 both.

9 (3) A person convicted of violating section ~~448, 449, 449a(1),~~  
10 ~~450, 449(1), (2), (3), (4), or (6)~~ or 462 and who has 2 or more  
11 prior convictions is guilty of a felony punishable by imprisonment  
12 for not more than ~~2-4~~ years, ~~or~~a fine of not more than ~~\$2,000.00,~~  
13 **\$4,000.00**, or both.

14 (4) A person convicted of violating section ~~449a(2)~~**449(5)** is  
15 guilty of a felony punishable by imprisonment for not more than 5  
16 years, ~~or~~a fine of not more than \$10,000.00, or both.

17 (5) If the prosecuting attorney intends to seek an enhanced  
18 sentence based upon the defendant having 1 or more prior  
19 convictions, the prosecuting attorney shall include on the  
20 complaint and information a statement listing the prior conviction  
21 or convictions. The existence of the defendant's prior conviction  
22 or convictions shall be determined by the court, without a jury, at  
23 sentencing or at a separate hearing for that purpose before  
24 sentencing. The existence of a prior conviction may be established  
25 by any evidence relevant for that purpose, including, but not  
26 limited to, 1 or more of the following:

- 27 (a) A copy of the judgment of conviction.  
28 (b) A transcript of a prior trial, plea-taking, or sentencing.  
29 (c) Information contained in a presentence report.

1 (d) The defendant's statement.

2 (6) In any prosecution of a person under 18 years of age for  
3 an offense punishable under this section or a local ordinance  
4 substantially corresponding to an offense punishable under this  
5 section, it shall be presumed that the person under 18 years of age  
6 was coerced into child sexually abusive activity or commercial  
7 sexual activity in violation of section 462e or otherwise forced or  
8 coerced into committing that offense by another person engaged in  
9 human trafficking in violation of sections 462a to 462h. The  
10 prosecution may overcome this presumption by proving beyond a  
11 reasonable doubt that the person was not forced or coerced into  
12 committing the offense. The state ~~may~~**shall** petition the court to  
13 find the person under 18 years of age to be dependent and in danger  
14 of substantial physical or psychological harm under section 2(b)(3)  
15 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL  
16 712A.2. A person under 18 years of age who fails to substantially  
17 comply with court-ordered services under section 2(b)(3) of chapter  
18 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, is not  
19 eligible for the presumption under this section.

20 (7) Excluding any reasonable period of detention for  
21 investigation purposes, a law enforcement officer who encounters a  
22 person under 18 years of age engaging in any conduct that would be  
23 a violation of section ~~448, 449, 450, 449(1), (2), (3), (4), or (6)~~  
24 or 462, or a local ordinance substantially corresponding to section  
25 ~~448, 449, 450, 449(1), (2), (3), (4), or (6)~~ or 462, if engaged in  
26 by a person ~~16~~**18** years of age or over shall immediately report to  
27 the department of health and human services a suspected violation  
28 of human trafficking involving a person under 18 years of age in  
29 violation of sections 462a to 462h.

1 (8) The department of health and human services shall begin an  
2 investigation of a human trafficking violation reported to the  
3 department of health and human services under subsection (7) ~~within~~  
4 **not later than** 24 hours after the report is made to the department  
5 of health and human services, as provided in section 8 of the child  
6 protection law, 1975 PA 238, MCL 722.628. The investigation ~~shall~~  
7 **must** include a determination as to whether the person under 18  
8 years of age is dependent and in danger of substantial physical or  
9 psychological harm under section 2(b)(3) of chapter XIIIA of the  
10 probate code of 1939, 1939 PA 288, MCL 712A.2.

11 (9) As used in this section, "prior conviction" means a  
12 violation of ~~section-former section~~ 448, 449, 449a(1), **or** 450, or  
13 **section 449 or** 462 or a violation of a law of another state or of a  
14 political subdivision of this state or another state substantially  
15 corresponding to ~~section-former section~~ 448, 449, 449a(1), **or** 450,  
16 **or section 449** or 462.

17 Sec. 451a. Except as provided in section 451b, sections ~~448,~~  
18 ~~449, 449a, 450,~~ 451, and 459 do not apply to a law enforcement  
19 officer while in the performance of the officer's duties as a law  
20 enforcement officer.

21 Sec. 451c. (1) This section applies only if the violation  
22 described in subsection (2) was committed as a direct result of the  
23 individual being a victim of a human trafficking violation.

24 (2) When an individual pleads guilty to, or is found guilty  
25 of, a violation of section ~~448, 449, 450,~~ or 462 or a local  
26 ordinance substantially corresponding to section ~~448, 449, 450,~~ or  
27 462, the court, without entering a judgment of guilt and with the  
28 consent of the accused and of the prosecuting attorney, may defer  
29 further proceedings and place the accused on probation as provided



1 in this section. However, before deferring proceedings under this  
2 subsection, the court shall determine whether the accused has met  
3 the conditions described in subsection (1) as follows:

4 (a) The accused bears the burden of proving to the court by a  
5 preponderance of the evidence that the violation was a direct  
6 result of ~~his or her~~ **the accused** being a victim of human  
7 trafficking.

8 (b) To prove that ~~he or she~~ **the accused** is a victim of human  
9 trafficking, the accused shall state under oath that ~~he or she~~ **the**  
10 **accused** meets the conditions described in subsection (1) with facts  
11 ~~supporting his or her~~ **that support the accused's** claim that the  
12 violation was a direct result of being a victim of human  
13 trafficking.

14 (3) Upon a violation of a term or condition of probation, the  
15 court may enter an adjudication of guilt and proceed as otherwise  
16 provided in this chapter.

17 (4) An order of probation entered under subsection (2) may  
18 include any condition of probation authorized under section 3 of  
19 chapter XI of the code of criminal procedure, 1927 PA 175, MCL  
20 771.3, including, but not limited to, requiring the accused to  
21 participate in a mandatory counseling program. The court may order  
22 the accused to pay the reasonable costs of the mandatory counseling  
23 program. The court also may order the accused to participate in a  
24 drug treatment court under chapter 10A of the revised judicature  
25 act of 1961, 1961 PA 236, MCL 600.1060 to ~~600.1084~~ **600.1088**. The  
26 court may order the defendant to be imprisoned for not more than 93  
27 days at a time or at intervals, which may be consecutive or  
28 nonconsecutive and ~~within~~ **not later than** the period of probation,  
29 as the court determines. However, the period of imprisonment must

1 not exceed the maximum period of imprisonment authorized for the  
2 offense if the maximum period is less than 93 days. The court may  
3 permit day parole as authorized under 1962 PA 60, MCL 801.251 to  
4 801.258. The court may permit a work or school release from jail.

5 (5) The court shall enter an adjudication of guilt and proceed  
6 as otherwise provided in this chapter if any of the following  
7 circumstances exist:

8 (a) The accused commits a violation of section ~~448, 449, 450,~~  
9 or 462 or a local ordinance substantially corresponding to section  
10 ~~448, 449, 450,~~ or 462 during the period of probation.

11 (b) The accused violates an order of the court that ~~he or she~~  
12 **the accused** receive counseling regarding ~~his or her~~ **the accused's**  
13 violent behavior.

14 (c) The accused violates an order of the court that ~~he or she~~  
15 **the accused** have no contact with a named individual.

16 (6) Upon fulfillment of the terms and conditions, the court  
17 shall discharge the person and dismiss the proceedings against the  
18 person. Discharge and dismissal under this section must be without  
19 adjudication of guilt and is not a conviction for purposes of this  
20 section or for purposes of disqualifications or disabilities  
21 imposed by law upon conviction of a crime.

22 (7) All court proceedings under this section must be open to  
23 the public. Except as provided in subsection (8), if the record of  
24 proceedings as to the defendant is deferred under this section, the  
25 record of proceedings during the period of deferral must be closed  
26 to public inspection.

27 (8) Unless the court enters a judgment of guilt under this  
28 section, the department of state police shall retain a nonpublic  
29 record of the arrest, court proceedings, and disposition of the

1 criminal charge under this section. However, the nonpublic record  
 2 must be open to the following individuals and entities for the  
 3 purposes noted:

4 (a) The courts of this state, law enforcement personnel, the  
 5 department of corrections, and prosecuting attorneys for use only  
 6 in the performance of their duties or to determine whether an  
 7 employee of the court, law enforcement agency, department of  
 8 corrections, or prosecutor's office has violated his or her  
 9 conditions of employment or whether an applicant meets criteria for  
 10 employment with the court, law enforcement agency, department of  
 11 corrections, or prosecutor's office.

12 (b) Prosecuting attorneys for informing consent under  
 13 subsection (2).

14 (c) The department of health and human services for enforcing  
 15 child protection laws and vulnerable adult protection laws or  
 16 ascertaining the preemployment criminal history of any individual  
 17 who will be engaged in the enforcement of child protection laws or  
 18 vulnerable adult protection laws.

19 (9) As used in this section, "human trafficking violation"  
 20 means a violation of chapter LXVIIA.

21 Sec. 452. A person who keeps, maintains, or operates ~~, or aids~~  
 22 ~~and abets in keeping, maintaining, or operating,~~ a house, of ill-  
 23 ~~fame, bawdy house, or any house~~ **vehicle**, or **other** place resorted to  
 24 for the purpose of ~~prostitution or lewdness~~ **commercial sexual**  
 25 **activity** is guilty of a felony punishable by imprisonment for not  
 26 more than 5 years, ~~or~~ by a fine of not more than \$5,000.00, or  
 27 both.

28 Sec. 454. Any person who ~~shall let any dwelling~~ **rents a house,**  
 29 **room, or vehicle** knowing that the ~~lessee~~ **person to whom the house,**

1 **room, or vehicle is rented** intends to use it as ~~a house of ill fame~~  
 2 ~~or place of resort for the purpose of prostitution and lewdness, or~~  
 3 ~~for the purpose of gambling for money or other property, for~~  
 4 **commercial sexual activity,** or who shall knowingly permit such  
 5 ~~lessee to use the same for such purpose, permits the person to whom~~  
 6 **the house, room, or vehicle was rented to use the house, room, or**  
 7 **vehicle for commercial sexual activity,** or who shall receive any  
 8 **receives** rent **or any other consideration** for any dwelling, house,  
 9 room, or apartment which is ~~vehicle that is~~ used as ~~a house of ill-~~  
 10 ~~fame or place of resort for prostitutes, or for the purpose of~~  
 11 ~~prostitution and lewdness, or for the purpose of gambling for money~~  
 12 ~~or other property, having reasonable cause to believe such house,~~  
 13 ~~room, or apartment is used for any such purpose, for commercial~~  
 14 **sexual activity,** is guilty of a misdemeanor punishable by  
 15 imprisonment for not more than 6 months or a fine of not more than  
 16 \$750.00. However, ~~no a person shall be~~ **is not** liable for receiving  
 17 rent ~~as aforesaid under this section~~ for any period ~~prior to the~~  
 18 ~~time when he or she has~~ **before the person had** reasonable cause to  
 19 believe that ~~such the~~ house, room, or apartment ~~vehicle~~ is used for  
 20 any such purpose. **commercial sexual activity.**

21 Sec. 455. A person who does any of the following is guilty of  
 22 a felony punishable by imprisonment for not more than 20 years:

23 (a) Procures an ~~inmate for a house of prostitution.~~ **occupant**  
 24 **for a house, vehicle, or other place in which commercial sexual**  
 25 **activity is practiced, encouraged, or allowed.**

26 (b) Induces, persuades, encourages, ~~inveigles,~~ or entices a  
 27 person to become a ~~prostitute.~~ **provider of commercial sexual**  
 28 **activity.**

29 (c) By promise, threat, or violence, or by any device or

1 scheme, causes, induces, persuades, encourages, takes, places,  
 2 harbors, ~~inveigles,~~ or entices a person to become an inmate of a  
 3 house, ~~of prostitution or assignation place-vehicle,~~ or any **other**  
 4 place ~~where prostitution~~ **in which commercial sexual activity** is  
 5 practiced, encouraged, or allowed.

6 (d) By any promise or threat, or by violence or any device or  
 7 scheme, causes, induces, persuades, encourages, ~~inveigles,~~ or  
 8 entices an ~~inmate-occupant~~ of a house, ~~of prostitution-vehicle,~~ or  
 9 **other** place ~~of assignation~~ **in which commercial sexual activity is**  
 10 **practiced, encouraged, or allowed** to remain there as an  
 11 ~~inmate-occupant.~~

12 (e) By any promise or threat, or by violence, any device or  
 13 scheme, fraud or artifice, or by duress of person or goods, or by  
 14 abuse of any position of confidence or authority, or having legal  
 15 charge, takes, places, harbors, ~~inveigles,~~ entices, persuades,  
 16 encourages, or procures any person to ~~engage in~~  
 17 ~~prostitution.~~ **provide commercial sexual activity.**

18 (f) ~~Inveigles, entices,~~ **Entices,** persuades, encourages, or  
 19 procures any person to come into this state or to leave this state  
 20 for the purpose of ~~prostitution.~~ **providing commercial sexual**  
 21 **activity.**

22 (g) Upon the pretense of marriage, takes or detains a person  
 23 for the purpose of sexual intercourse.

24 (h) Receives or gives, or agrees to receive or give, any money  
 25 or thing of value for procuring or attempting to procure any person  
 26 to ~~become a prostitute~~ **provide commercial sexual activity** or to  
 27 come into this state or leave this state for the purpose of  
 28 ~~prostitution.~~ **a commercial sexual activity.**

29 Sec. 456. Any person who by force, fraud, intimidation, or

1 threat places or leaves, or procures any other person to place or  
 2 leave, ~~his or her~~ **the person's** spouse in a house, ~~of prostitution~~  
 3 ~~or to lead a life of prostitution,~~ **vehicle, or other place in which**  
 4 **commercial sexual activity is practiced, encouraged, or allowed, or**  
 5 **to provide commercial sexual activity,** is guilty of a felony  
 6 punishable by imprisonment for not more than 20 years.

7       Sec. 457. (1) Any person who knowingly accepts, receives,  
 8 levies, or appropriates any money or valuable thing without  
 9 consideration from the proceeds of the earnings of any person  
 10 ~~engaged in prostitution,~~ **providing commercial sexual activity,** or  
 11 any person, knowing a person to be a ~~prostitute,~~ **providing**  
 12 **commercial sexual activity,** who lives or derives support or  
 13 maintenance, in whole or in part, from the earnings or proceeds of  
 14 the ~~prostitution of a prostitute,~~ **person providing commercial**  
 15 **sexual activity,** or from money loaned or advanced to or charged  
 16 against a ~~prostitute~~ **person providing commercial sexual activity** by  
 17 any keeper or manager or ~~inmate~~ **occupant** of a house, **vehicle,** or  
 18 other place ~~where prostitution~~ **in which commercial sexual activity**  
 19 is practiced, **encouraged,** or allowed, is guilty of a felony  
 20 punishable by imprisonment for not more than 20 years.

21       (2) The acceptance, receipt, levy, or appropriation of money  
 22 or any thing of value described in subsection (1) is presumptive  
 23 evidence of lack of consideration.

24       Sec. 458. Any person who attempts to detain ~~any~~ **another** person  
 25 in a ~~disorderly~~ house, **vehicle,** or ~~house of prostitution~~ **other**  
 26 **place in which commercial sexual activity is practiced, encouraged,**  
 27 **or allowed** because of ~~any~~ **a** debt or debts the **other** person has  
 28 contracted, or is said to have contracted while ~~living in that~~  
 29 ~~house,~~ **there,** is guilty of a felony punishable by imprisonment for

1 not less than 2 years or more than 20 years.

2       Sec. 459. (1) A person shall not knowingly transport or cause  
3 to be transported, or aid or assist in obtaining transportation  
4 for, by any means of conveyance, into, through, or across this  
5 state, any person for the purpose of ~~prostitution~~**commercial sexual**  
6 **activity** or with the intent and purpose to induce, entice, or  
7 compel that person to become a ~~prostitute~~**provider of commercial**  
8 **sexual activity**. A person who violates this subsection is guilty of  
9 a felony punishable by imprisonment for not more than 20 years, ~~or~~  
10 a fine of not more than \$20,000.00, or both.

11       (2) A person shall not knowingly sell or offer to sell travel  
12 services that include or facilitate travel for the purpose of  
13 engaging in ~~what~~**conduct that** would be a violation of this chapter,  
14 concerning ~~prostitution~~**commercial sexual activity**, or of chapter  
15 LXVIIIA, concerning human trafficking, if the violation occurred in  
16 this state. Except as provided in subsection (3), a person who  
17 violates this subsection is guilty of a felony punishable by  
18 imprisonment for not more than 5 years, ~~or~~a fine of not more than  
19 \$10,000.00, or both.

20       (3) If a person violates subsection (2) and the violation  
21 involves conduct against a minor, the person is guilty of a felony  
22 punishable by imprisonment for not more than 10 years, ~~or~~a fine of  
23 not more than \$15,000.00, or both.

24       (4) A person who violates this section may be prosecuted,  
25 indicted, tried, and convicted in any county or city in or through  
26 which ~~he or she shall transport~~**the person transports** or ~~attempt~~  
27 **attempts** to transport ~~any~~**another** person in violation of this  
28 section.

29       (5) As used in this section, "travel services" means

1 transportation by air, sea, or ground, hotel or other lodging  
2 accommodations, package tours, or the provision of vouchers or  
3 coupons to be redeemed for future travel, or accommodations for a  
4 fee, commission, or other valuable consideration.

5 Sec. 460. (1) It is not a defense to a prosecution for a  
6 violation of this chapter that any part of that violation was  
7 committed outside this state.

8 (2) A person who violates this chapter may be tried and  
9 punished in any county in which the ~~prostitution~~ **commercial sexual**  
10 **activity** was intended to be ~~practiced, or in which the offense was~~  
11 ~~consummated,~~ **provided or obtained**, or in which any overt act in  
12 furtherance of the offense was committed.

13 Sec. 462. A person who, for a purpose other than ~~prostitution,~~  
14 **commercial sexual activity**, takes or conveys to, or employs,  
15 receives, detains, or allows a person ~~16~~ **18** years of age or less to  
16 remain in, a house, ~~of prostitution, house of ill-fame, bawdy-~~  
17 ~~house, house of assignation, or any house~~ **vehicle**, or **other** place  
18 ~~for the resort of prostitutes or other disorderly persons in which~~  
19 **commercial sexual activity is practiced, encouraged, or allowed** is  
20 guilty of a crime punishable as provided in section 451.

21 Sec. 520m. (1) A person shall provide samples for chemical  
22 testing for DNA identification profiling or a determination of the  
23 sample's genetic markers and shall provide samples for chemical  
24 testing if any of the following apply:

25 (a) The individual is arrested for committing or attempting to  
26 commit a felony offense or an offense that would be a felony if  
27 committed by an adult.

28 (b) The person is convicted of, or found responsible for, a  
29 felony or attempted felony, or any of the following misdemeanors or



1 local ordinances that are substantially corresponding to the  
2 following misdemeanors:

3 (i) A violation of section 167(1)(c), (f), or (i), disorderly  
4 person by window peeping, engaging in indecent or obscene conduct  
5 in public, or loitering in a house, ~~of ill fame or~~  
6 ~~prostitution-vehicle, or other place resorted to for the purpose of~~  
7 **commercial sexual activity.**

8 (ii) A violation of section 335a(1), indecent exposure.

9 (iii) A violation punishable under section ~~451(1) or (2), first~~  
10 ~~and second prostitution violations.~~ **451 for detaining a person less**  
11 **than 18 years of age for purposes of commercial sexual activity.**

12 (iv) A violation of section 454, ~~leasing~~ **renting** a house, **room,**  
13 **or vehicle** for purposes of ~~prostitution.~~ **commercial sexual activity.**

14 (2) Notwithstanding subsection (1), if at the time the person  
15 is arrested for, convicted of, or found responsible for the  
16 violation the investigating law enforcement agency or the  
17 department of state police already has a sample from the person  
18 that meets the requirements of the DNA identification profiling  
19 system act, 1990 PA 250, MCL 28.171 to 28.176, the person is not  
20 required to provide another sample or pay the assessment required  
21 under subsection (5).

22 (3) The county sheriff or the investigating law enforcement  
23 agency shall collect and transmit the samples in the manner  
24 required under the DNA identification profiling system act, 1990 PA  
25 250, MCL 28.171 to 28.176.

26 (4) An investigating law enforcement agency, prosecuting  
27 agency, or court that has in its possession a DNA identification  
28 sample obtained from a person under subsection (1) shall forward  
29 the DNA identification sample to the department of state police

1 after the person from whom the sample was taken has been charged  
2 with committing or attempting to commit a felony offense or an  
3 offense that would be a felony if committed by an adult unless the  
4 department of state police already has a DNA identification profile  
5 of the person.

6 (5) The court shall order each person found responsible for or  
7 convicted of 1 or more crimes listed in subsection (1) to pay an  
8 assessment of \$60.00. The assessment required under this subsection  
9 is in addition to any fine, costs, or other assessments imposed by  
10 the court.

11 (6) An assessment required under subsection (5) ~~shall~~**must** be  
12 ordered ~~upon~~**on** the record, and ~~shall~~**must** be listed separately in  
13 the adjudication order, judgment of sentence, or order of  
14 probation.

15 (7) After reviewing a verified petition by a person against  
16 whom an assessment is imposed under subsection (5), the court may  
17 suspend payment of all or part of the assessment if it determines  
18 the person is unable to pay the assessment.

19 (8) The court that imposes the assessment ~~prescribed~~ under  
20 subsection (5) may retain 10% of all assessments or portions of  
21 assessments collected for costs incurred under this section and  
22 shall transmit that money to its funding unit. On the last day of  
23 each month, the clerk of the court shall transmit the assessments  
24 or portions of assessments collected under this section as follows:

25 (a) Twenty-five percent to the county sheriff or other  
26 investigating law enforcement agency that collected the DNA sample  
27 as designated by the court to defray the costs of collecting DNA  
28 samples.

29 (b) Sixty-five percent to the state treasurer for deposit in

1 the justice system fund created in section 181 of the revised  
2 judiciary act of 1961, 1961 PA 236, MCL 600.181.

3 (9) As used in this section:

4 (a) "DNA identification profile" and "DNA identification  
5 profiling" mean those terms as defined in section 2 of the DNA  
6 identification profiling system act, 1990 PA 250, MCL 28.172.

7 (b) "Investigating law enforcement agency" means the law  
8 enforcement agency responsible for the investigation of the offense  
9 for which the person is arrested or convicted. Investigating law  
10 enforcement agency includes the county sheriff but does not include  
11 a probation officer employed by the department of corrections.

12 (c) "Felony" means a violation of a penal law of this state  
13 for which the offender may be punished by imprisonment for more  
14 than 1 year or an offense expressly designated by law to be a  
15 felony.

16 (d) "Sample" means a portion of a person's blood, saliva, or  
17 tissue collected from the person.

18 Enacting section 1. Section 449a of the Michigan penal code,  
19 1931 PA 328, MCL 750.449a, is repealed.

20 Enacting section 2. This amendatory act takes effect 90 days  
21 after the date it is enacted into law.

22 Enacting section 3. This amendatory act does not take effect  
23 unless all of the following bills of the 102nd Legislature are  
24 enacted into law:

25 (a) Senate Bill No. \_\_\_\_ or House Bill No. 5842 (request no.  
26 04081'23 a).

27 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5843 (request no.  
28 04081'23 b).

29 (c) Senate Bill No. \_\_\_\_ or House Bill No. 5844 (request no.

- 1 04081'23 c).
- 2 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 5845 (request no.  
3 04081'23 d).
- 4 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. 5846 (request no.  
5 04081'23 e).
- 6 (f) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
7 04081'23 g).
- 8 (g) Senate Bill No. \_\_\_\_\_ or House Bill No. 5847 (request no.  
9 04081'23 h).
- 10 (h) Senate Bill No. \_\_\_\_\_ or House Bill No. 5848 (request no.  
11 04081'23 i).
- 12 (i) Senate Bill No. \_\_\_\_\_ or House Bill No. 5854 (request no.  
13 04081'23 j).
- 14 (j) Senate Bill No. \_\_\_\_\_ or House Bill No. 5849 (request no.  
15 04081'23 k).
- 16 (k) Senate Bill No. \_\_\_\_\_ or House Bill No. 5850 (request no.  
17 04081'23 l).
- 18 (l) Senate Bill No. \_\_\_\_\_ or House Bill No. 5851 (request no.  
19 04081'23 m).
- 20 (m) Senate Bill No. \_\_\_\_\_ or House Bill No. 5852 (request no.  
21 04081'23 n).
- 22 (n) Senate Bill No. \_\_\_\_\_ or House Bill No. 5853 (request no.  
23 04081'23 o).