

HOUSE BILL NO. 5864

June 26, 2024, Introduced by Reps. Brabec, Breen, Brenda Carter, Hope, Rheingans, Koleszar, Weiss, Hill, Glanville, Mentzer, Xiong, Conlin, Steckloff, Pohutsky, Fitzgerald, Byrnes, McFall, Witwer and Coffia and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 16w of chapter XVII (MCL 777.16w), as amended
by 2016 PA 486.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER XVII

Sec. 16w. (1) This chapter applies to the following felonies
enumerated in chapter 750 of the Michigan Compiled Laws:

M.C.L.	Category	Class Description	Stat Max
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1	750.451(3)	Pub ord	G	Prostitution—various	2
2	750.451(2)			offenses—third or	
3				subsequent	
4				offense Commercial	
5				sexual activity	
6				violation - second	
7				offense	
8	750.451(3)	Pub ord	F	Commercial sexual	4
9				activity violation -	
10				third or subsequent	
11				offense	
12	750.451(4)	Pub ord	E	Commercial sexual	5
13				activity with person	
14				less than 18	
15	750.451(4)	Person	E	Soliciting a person	5
16				under 18 years of age	
17				to commit prostitution	
18	750.452	Pub ord	E	Keeping a house of	5
19				prostitution place for	
20				purposes of commercial	
21				sexual activity	
22	750.455	Pub ord	B	Pandering	20
23	750.456	Person	B	Placing spouse into	20
24				prostitution commercial	
25				sexual activity	
26	750.457	Pub ord	B	Accepting earnings of	20
27				a prostitute person	
28				engaged in commercial	
29				sexual activity	

1	750.458	Person	B	Prostitution—	20
2				Commercial sexual	
3				activity - detaining	
4				person for debt	
5	750.459(1)	Person	B	Transporting a person	20
6				for prostitution to	
7				engage in commercial	
8				sexual activity	
9	750.459(2)	Person	E	Selling travel	5
10				services to facilitate	
11				prostitution	
12				commercial sexual	
13				activity or human	
14				trafficking in other	
15				jurisdictions	
16	750.459(3)	Person	D	Selling travel	10
17				services to facilitate	
18				prostitution	
19				commercial sexual	
20				activity or human	
21				trafficking in other	
22				jurisdictions	
23				involving a minor	
24	750.462f(1) (a)	Person	D	Human trafficking	10
25				violation	
26	750.462f(1) (b)	Person	C	Human trafficking	15
27				violation resulting in	
28				bodily injury	

1	750.462f(1)(c)	Person	B	Human trafficking	20
2				violation resulting in	
3				serious bodily injury	
4	750.462f(1)(d)	Person	A	Human trafficking	Life
5				violation involving	
6				death or the	
7				commission of certain	
8				felonies	
9	750.462f(2)	Person	B	Obtaining a minor for	20
10				commercial sexual	
11				activity or for forced	
12				labor or services	
13	750.462f(3)	Person	Variable	Attempting,	Variable
14			e	conspiring, or	
15				soliciting another to	
16				violate human	
17				trafficking laws	
18	750.465a(1)(b)	Property	G	Operating audiovisual	2
19				recording device in a	
20				theatrical facility –	
21				second offense	
22	750.465a(1)(c)	Property	F	Operating audiovisual	4
23				recording device in a	
24				theatrical facility –	
25				third or subsequent	
26				offense	

27 (2) For a violation of section 462f(3) of the Michigan penal
28 code, 1931 PA 328, MCL 750.462f, determine the offense category,
29 offense variable level, and prior record variable level based on

1 the underlying offense.

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

4 Enacting section 2. This amendatory act does not take effect
5 unless Senate Bill No. _____ or House Bill No. 5841 (request no.
6 04081'23) of the 102nd Legislature is enacted into law.