



HOUSE BILL No. 5129

November 10, 1999, Introduced by Rep. Cameron Brown and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1980 PA 299, entitled "Occupational code," (MCL 339.101 to 339.2721) by adding article 17A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE 17A

SEC. 1762. (1) AN APPLICANT FOR ANY LICENSE UNDER THIS ARTICLE, OR A PERSON HOLDING A LICENSE FOR THE OPERATION OF AN ADULT ENTERTAINMENT ESTABLISHMENT OTHER THAN A MASSAGE ESTABLISHMENT, IS SUBJECT TO THE PENALTIES OF SECTION 602 FOR 1 OR MORE OF THE FOLLOWING:

(A) AN INTENTIONAL MISREPRESENTATION OR OMISSION OF ANY MATERIAL FACT REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE.

(B) A TRANSFER OF A LICENSE IN VIOLATION OF SECTION 1753(1) OR A CHANGE OF LOCATION IN VIOLATION OF SECTION 1756.

1 (C) A FAILURE TO COMPLY WITH SECTION 1765 OR 1766.

2 (D) A CONVICTION OF THE APPLICANT OR LICENSEE FOR A CRIME,
3 INCLUDING CONSPIRACY, OR VIOLATION OF A LOCAL ORDINANCE, INVOLV-
4 ING LEWDNESS, PROSTITUTION, PROMOTING PROSTITUTION, SEXUAL
5 ASSAULT OR ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT,
6 SEXUAL MISCONDUCT, INDECENT EXPOSURE, INCEST, RAPE OR CRIMINAL
7 SEXUAL CONDUCT, OR SODOMY, OR REGISTRATION OF AN APPLICANT OR
8 LICENSEE AS A SEX OFFENDER, IN THIS STATE OR ANY OTHER STATE OR
9 JURISDICTION.

10 (E) A CONVICTION OF A PARTNER, DIRECTOR, OFFICER, PRINCIPAL
11 OWNER, MANAGER, PROCURER, OR EMPLOYEE OF THE LICENSEE FOR A
12 CRIME, INCLUDING CONSPIRACY, OR VIOLATION OF A LOCAL ORDINANCE,
13 INVOLVING LEWDNESS, PROSTITUTION, PROMOTING PROSTITUTION, SEXUAL
14 ASSAULT OR ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT,
15 SEXUAL MISCONDUCT, INDECENT EXPOSURE, INCEST, RAPE OR CRIMINAL
16 SEXUAL CONDUCT, OR SODOMY, OR HIS OR HER REGISTRATION AS A SEX
17 OFFENDER, IN THIS STATE OR ANY OTHER STATE OR JURISDICTION,
18 OCCURRING ON THE LICENSED PREMISES.

19 (F) A CONVICTION OF A PARTNER, DIRECTOR, OFFICER, PRINCIPAL
20 OWNER, MANAGER, PROCURER, OR EMPLOYEE OF THE LICENSEE FOR A
21 CRIME, INCLUDING CONSPIRACY, OR VIOLATION OF A LOCAL ORDINANCE,
22 INVOLVING LEWDNESS, PROSTITUTION, PROMOTING PROSTITUTION, SEXUAL
23 ASSAULT OR ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT,
24 SEXUAL MISCONDUCT, INDECENT EXPOSURE, INCEST, RAPE OR CRIMINAL
25 SEXUAL CONDUCT, OR SODOMY, OR HIS OR HER REGISTRATION AS A SEX
26 OFFENDER, IN THIS STATE OR ANY OTHER STATE OR JURISDICTION, NOT
27 OCCURRING ON LICENSED PREMISES, IF THE PARTNER, DIRECTOR,

1 OFFICER, PRINCIPAL OWNER, MANAGER, PROCURER, OR EMPLOYEE, AT THE
2 TIME OF THE CONDUCT CONSTITUTING THE OFFENSE, WAS OFF THE
3 PREMISES AT THE REQUEST OR DIRECTION OR PURSUANT TO THE AUTHORITY
4 OF THE LICENSEE FOR THE PURPOSE OF FURTHERING THE BUSINESS OF THE
5 LICENSEE.

6 (2) A PERSON HOLDING A LICENSE AS A MASSAGIST IS SUBJECT TO
7 THE PENALTIES OF SECTION 602 IF CONVICTED OF A VIOLATION OF
8 SECTION 1764 OR CONVICTED OF A CRIME, INCLUDING CONSPIRACY, OR
9 VIOLATION OF A LOCAL ORDINANCE, INVOLVING LEWDNESS, PROSTITUTION,
10 PROMOTING PROSTITUTION, SEXUAL ASSAULT OR ASSAULT WITH INTENT TO
11 COMMIT CRIMINAL SEXUAL CONDUCT, SEXUAL MISCONDUCT, INDECENT EXPO-
12 SURE, INCEST, RAPE OR CRIMINAL SEXUAL CONDUCT, OR SODOMY, OR IS
13 REGISTERED AS A SEX OFFENDER, IN THIS STATE OR ANY OTHER STATE OR
14 JURISDICTION.

15 (3) A PERSON HOLDING A LICENSE FOR THE OPERATION OF A MAS-
16 SAGE ESTABLISHMENT IS SUBJECT TO THE PENALTIES OF SECTION 602 IF
17 CONVICTED FOR A VIOLATION OF SECTION 1764.

18 SEC. 1763. A PERSON WHO FILES ANY INFORMATION UNDER THIS
19 ARTICLE SHALL NOT INTENTIONALLY MISREPRESENT OR OMIT ANY MATERIAL
20 FACT REQUIRED TO BE FILED UNDER THIS ARTICLE. IN ADDITION TO ANY
21 PENALTIES ASSESSED UNDER ARTICLE 6, A PERSON THAT VIOLATES THIS
22 SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT
23 MORE THAN \$1,000.00 OR IMPRISONMENT FOR NOT MORE THAN 30 DAYS, OR
24 BOTH. FOR THE PURPOSE OF THIS SECTION, A FACT IS "MATERIAL" IF
25 IT COULD HAVE AFFECTED THE DEPARTMENT'S DECISION TO GRANT OR DENY
26 AN APPLICATION FOR LICENSE.

1 Enacting section 1. This amendatory act does not take
2 effect unless all of the following bills of the 90th Legislature
3 are enacted into law:

4 (a) Senate Bill No. ____ or House Bill No. 5124 (request
5 no. 04171'99 *).

6 (b) Senate Bill No. ____ or House Bill No. 5125 (request
7 no. 04171'99 a *).

8 (c) Senate Bill No. ____ or House Bill No. 5126 (request
9 no. 05234'99).

10 (d) Senate Bill No. ____ or House Bill No. 5127 (request
11 no. 05235'99).

12 (e) Senate Bill No. ____ or House Bill No. 5128 (request
13 no. 05236'99).

14 (f) Senate Bill No. ____ or House Bill No. 5130 (request
15 no. 05238'99).

16 (g) Senate Bill No. ____ or House Bill No. 5131 (request
17 no. 05239'99).

18 (h) Senate Bill No. ____ or House Bill No. 5132 (request
19 no. 05240'99).