

SUBSTITUTE FOR
HOUSE BILL NO. 5747

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding chapter LXVIIA.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER LXVIIA

HUMAN TRAFFICKING

SEC. 462A. AS USED IN THIS CHAPTER:

(A) "CHILD SEXUALLY ABUSIVE ACTIVITY" MEANS THAT PHRASE AS
DEFINED IN SECTION 145C.

(B) "EXTORTION" MEANS CONDUCT PROHIBITED UNDER SECTION 213,
INCLUDING, BUT NOT LIMITED TO, A THREAT TO EXPOSE ANY SECRET
TENDING TO SUBJECT A PERSON TO HATRED, CONTEMPT, OR RIDICULE.

(C) "FINANCIAL HARM" MEANS ANY OF THE FOLLOWING:

(i) CONDUCT PROHIBITED UNDER SECTION 1 OF 1968 PA 259, MCL 438.41.

(ii) EXTORTION.

(iii) EMPLOYMENT CONTRACTS THAT VIOLATE 1978 PA 390, MCL 408.471 TO 408.490.

(iv) ANY OTHER ADVERSE FINANCIAL CONSEQUENCE.

(D) "FORCED LABOR OR SERVICES" MEANS LABOR OR SERVICES THAT ARE OBTAINED OR MAINTAINED THROUGH 1 OR MORE OF THE FOLLOWING:

(i) CAUSING OR THREATENING TO CAUSE SERIOUS PHYSICAL HARM TO ANOTHER PERSON.

(ii) PHYSICALLY RESTRAINING OR THREATENING TO PHYSICALLY RESTRAIN ANOTHER PERSON.

(iii) ABUSING OR THREATENING TO ABUSE THE LAW OR LEGAL PROCESS.

(iv) KNOWINGLY DESTROYING, CONCEALING, REMOVING, CONFISCATING, OR POSSESSING ANY ACTUAL OR PURPORTED PASSPORT OR OTHER IMMIGRATION DOCUMENT, OR ANY OTHER ACTUAL OR PURPORTED GOVERNMENT IDENTIFICATION DOCUMENT, OF ANOTHER PERSON.

(v) BLACKMAIL.

(vi) CAUSING OR THREATENING TO CAUSE FINANCIAL HARM TO ANY PERSON.

(E) "LABOR" MEANS WORK OF ECONOMIC OR FINANCIAL VALUE.

(F) "MAINTAIN" MEANS, IN RELATION TO LABOR OR SERVICES, TO SECURE CONTINUED PERFORMANCE OF LABOR OR SERVICES, REGARDLESS OF ANY INITIAL AGREEMENT ON THE PART OF THE VICTIM TO PERFORM THE LABOR OR SERVICES.

(G) "MINOR" MEANS A PERSON UNDER 18 YEARS OF AGE.

1 (H) "OBTAIN" MEANS TO SECURE PERFORMANCE OF LABOR OR SERVICES.

2 (I) "SERVICES" MEANS AN ONGOING RELATIONSHIP BETWEEN A PERSON
3 AND ANOTHER PERSON IN WHICH THE OTHER PERSON PERFORMS ACTIVITIES
4 UNDER THE SUPERVISION OF OR FOR THE BENEFIT OF THE PERSON,
5 INCLUDING, BUT NOT LIMITED TO, COMMERCIAL SEXUAL ACTIVITY AND
6 SEXUALLY EXPLICIT PERFORMANCES.

7 SEC. 462B. (1) A PERSON SHALL NOT KNOWINGLY SUBJECT OR ATTEMPT
8 TO SUBJECT ANOTHER PERSON TO FORCED LABOR OR SERVICES BY CAUSING OR
9 THREATENING TO CAUSE PHYSICAL HARM TO ANOTHER PERSON. EXCEPT AS
10 PROVIDED IN SUBSECTIONS (2) AND (3), A PERSON WHO VIOLATES THIS
11 SECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
12 MORE THAN 10 YEARS.

13 (2) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
14 ANOTHER PERSON INJURY, THE PERSON IS GUILTY OF A FELONY PUNISHABLE
15 BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS.

16 (3) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
17 THE DEATH OF ANOTHER PERSON, THE PERSON SHALL BE IMPRISONED FOR
18 LIFE OR ANY TERM OF YEARS.

19 SEC. 462C. (1) A PERSON SHALL NOT KNOWINGLY SUBJECT OR ATTEMPT
20 TO SUBJECT ANOTHER PERSON TO FORCED LABOR OR SERVICES BY PHYSICALLY
21 RESTRAINING OR THREATENING TO PHYSICALLY RESTRAIN ANOTHER PERSON.
22 EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3), A PERSON WHO
23 VIOLATES SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY
24 IMPRISONMENT FOR NOT MORE THAN 10 YEARS.

25 (2) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
26 ANOTHER PERSON INJURY, THE PERSON IS GUILTY OF A FELONY PUNISHABLE
27 BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS.

1 (3) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
2 THE DEATH OF ANOTHER PERSON, THE PERSON SHALL BE IMPRISONED FOR
3 LIFE OR ANY TERM OF YEARS.

4 SEC. 462D. (1) A PERSON SHALL NOT KNOWINGLY SUBJECT OR ATTEMPT
5 TO SUBJECT ANOTHER PERSON TO FORCED LABOR OR SERVICES BY ABUSING OR
6 THREATENING TO ABUSE THE LAW OR LEGAL PROCESS. EXCEPT AS PROVIDED
7 IN SUBSECTIONS (2) AND (3), A PERSON WHO VIOLATES THIS SECTION IS
8 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10
9 YEARS.

10 (2) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
11 ANOTHER PERSON INJURY, THE PERSON IS GUILTY OF A FELONY PUNISHABLE
12 BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS.

13 (3) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
14 THE DEATH OF ANOTHER PERSON, THE PERSON SHALL BE IMPRISONED FOR
15 LIFE OR ANY TERM OF YEARS.

16 SEC. 462E. (1) A PERSON SHALL NOT KNOWINGLY SUBJECT OR ATTEMPT
17 TO SUBJECT ANOTHER PERSON TO FORCED LABOR OR SERVICES BY KNOWINGLY
18 DESTROYING, CONCEALING, REMOVING, CONFISCATING, OR POSSESSING AN
19 ACTUAL OR PURPORTED PASSPORT OR OTHER IMMIGRATION DOCUMENT, OR ANY
20 OTHER ACTUAL OR PURPORTED GOVERNMENT IDENTIFICATION DOCUMENT, OF
21 ANOTHER PERSON. EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3), A
22 PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY PUNISHABLE
23 BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS.

24 (2) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
25 ANOTHER PERSON INJURY, THE PERSON IS GUILTY OF A FELONY PUNISHABLE
26 BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS.

27 (3) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES

1 THE DEATH OF ANOTHER PERSON, THE PERSON SHALL BE IMPRISONED FOR
2 LIFE OR ANY TERM OF YEARS.

3 SEC. 462F. (1) A PERSON SHALL NOT KNOWINGLY SUBJECT OR ATTEMPT
4 TO SUBJECT ANOTHER PERSON TO FORCED LABOR OR SERVICES BY USING
5 BLACKMAIL, USING OR THREATENING TO CAUSE FINANCIAL HARM TO, OR
6 EXERTING OR THREATENING TO EXERT FINANCIAL CONTROL OVER ANOTHER
7 PERSON. EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3), A PERSON WHO
8 VIOLATES THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY
9 IMPRISONMENT FOR NOT MORE THAN 10 YEARS.

10 (2) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
11 ANOTHER PERSON INJURY, THE PERSON IS GUILTY OF A FELONY PUNISHABLE
12 BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS.

13 (3) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
14 THE DEATH OF ANOTHER PERSON, THE PERSON SHALL BE IMPRISONED FOR
15 LIFE OR ANY TERM OF YEARS.

16 SEC. 462G. A PERSON SHALL NOT KNOWINGLY RECRUIT, ENTICE,
17 HARBOR, TRANSPORT, PROVIDE, OR OBTAIN BY ANY MEANS, OR ATTEMPT TO
18 RECRUIT, ENTICE, HARBOR, PROVIDE, OR OBTAIN BY ANY MEANS, A MINOR
19 KNOWING THAT THE MINOR WILL BE USED FOR CHILD SEXUALLY ABUSIVE
20 ACTIVITY. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
21 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS.

22 SEC. 462H. (1) A PERSON SHALL NOT KNOWINGLY DO 1 OR BOTH OF
23 THE FOLLOWING:

24 (A) RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE, OR OBTAIN BY
25 ANY MEANS, OR ATTEMPT TO RECRUIT, ENTICE, HARBOR, TRANSPORT,
26 PROVIDE, OR OBTAIN BY ANY MEANS, ANOTHER PERSON, INTENDING OR
27 KNOWING THAT THE PERSON WILL BE SUBJECTED TO FORCED LABOR OR

1 SERVICES.

2 (B) BENEFIT FINANCIALLY OR RECEIVE ANYTHING OF VALUE FROM
3 PARTICIPATION IN A VENTURE THAT HAS ENGAGED IN AN ACT DESCRIBED IN
4 THIS CHAPTER.

5 (2) EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4), A PERSON
6 WHO VIOLATES SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY
7 IMPRISONMENT FOR NOT MORE THAN 10 YEARS.

8 (3) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
9 ANOTHER PERSON INJURY, THE PERSON IS GUILTY OF A FELONY PUNISHABLE
10 BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS.

11 (4) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
12 THE DEATH OF ANOTHER PERSON, THE PERSON SHALL BE IMPRISONED FOR
13 LIFE OR ANY TERM OF YEARS.

14 SEC. 462I. IF A VIOLATION OF THIS CHAPTER INVOLVES KIDNAPPING
15 OR AN ATTEMPT TO KIDNAP, CRIMINAL SEXUAL CONDUCT OR AN ATTEMPT TO
16 COMMIT CRIMINAL SEXUAL CONDUCT, OR AN ATTEMPT TO KILL, THE
17 DEFENDANT SHALL BE IMPRISONED FOR LIFE OR ANY TERM OF YEARS.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted.