

SENATE 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) "COMMERCIAL SEXUAL ACTIVITY" MEANS 1 OR MORE OF THE  
FOLLOWING:

(i) AN ACT OF SEXUAL PENETRATION OR SEXUAL CONTACT AS THOSE

1 TERMS ARE DEFINED IN SECTION 520A FOR WHICH ANYTHING OF VALUE IS  
2 GIVEN OR RECEIVED BY ANY PERSON.

3 (ii) ANY CONDUCT PROHIBITED UNDER SECTION 145C(2) OR (3).

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

7 (D) "FINANCIAL HARM" MEANS ANY OF THE FOLLOWING:

8 (i) CONDUCT PROHIBITED UNDER SECTION 1 OF 1968 PA 259, MCL  
9 438.41.

10 (ii) EXTORTION.

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

13 (iv) ANY OTHER ADVERSE FINANCIAL CONSEQUENCE.

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

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

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

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

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

25 (v) BLACKMAIL.

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

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

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

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

7 (I) "OBTAIN" MEANS TO SECURE PERFORMANCE OF LABOR OR SERVICES.

8 (J) "SERVICES" MEANS AN ONGOING RELATIONSHIP BETWEEN A PERSON  
9 AND ANOTHER PERSON IN WHICH THE OTHER PERSON PERFORMS ACTIVITIES  
10 UNDER THE SUPERVISION OF OR FOR THE BENEFIT OF THE PERSON,  
11 INCLUDING, BUT NOT LIMITED TO, COMMERCIAL SEXUAL ACTIVITY AND  
12 SEXUALLY EXPLICIT PERFORMANCES.

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

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

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

25 SEC. 462C. (1) A PERSON SHALL NOT KNOWINGLY SUBJECT OR ATTEMPT  
26 TO SUBJECT ANOTHER PERSON TO FORCED LABOR OR SERVICES BY PHYSICALLY  
27 RESTRAINING OR THREATENING TO PHYSICALLY RESTRAIN ANOTHER PERSON.

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

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

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

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

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

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

22 SEC. 462E. (1) A PERSON SHALL NOT KNOWINGLY SUBJECT OR ATTEMPT  
23 TO SUBJECT ANOTHER PERSON TO FORCED LABOR OR SERVICES BY KNOWINGLY  
24 DESTROYING, CONCEALING, REMOVING, CONFISCATING, OR POSSESSING AN  
25 ACTUAL OR PURPORTED PASSPORT OR OTHER IMMIGRATION DOCUMENT, OR ANY  
26 OTHER ACTUAL OR PURPORTED GOVERNMENT IDENTIFICATION DOCUMENT, OF  
27 ANOTHER PERSON. EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3), A

1 PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY PUNISHABLE  
2 BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS.

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

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

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

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

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

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

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

3           (A) RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE, OR OBTAIN BY  
4 ANY MEANS, OR ATTEMPT TO RECRUIT, ENTICE, HARBOR, TRANSPORT,  
5 PROVIDE, OR OBTAIN BY ANY MEANS, ANOTHER PERSON, INTENDING OR  
6 KNOWING THAT THE PERSON WILL BE SUBJECTED TO FORCED LABOR OR  
7 SERVICES.

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

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

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

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

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

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