

SENATE BILL No. 1186

March 22, 2006, Introduced by Senators SCOTT, BARCIA, OLSHOVE, CLARK-COLEMAN, JACOBS and BRATER and referred to the Committee on Judiciary.

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:

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 A SEX ACT FOR WHICH
ANYTHING OF VALUE IS GIVEN TO, PROMISED TO, OR RECEIVED BY ANOTHER
PERSON.

(C) "EXTORTION" MEANS CONDUCT PROHIBITED UNDER SECTION 213,
INCLUDING, BUT NOT LIMITED TO, A THREAT TO EXPOSE ANY SECRET

1 TENDING TO SUBJECT A PERSON TO HATRED, CONTEMPT, OR RIDICULE.

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

3 (i) CONDUCT PROHIBITED UNDER SECTION 1 OF 1968 PA 259, MCL
4 438.41.

5 (ii) EXTORTION.

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

8 (iv) ANY OTHER ADVERSE FINANCIAL CONSEQUENCE.

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

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

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

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

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

20 (v) BLACKMAIL.

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

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

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

1 (H) "MINOR" MEANS A PERSON LESS THAN 18 YEARS OF AGE.

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

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

8 (K) "SEXUALLY EXPLICIT PERFORMANCE" MEANS A LIVE OR PUBLIC ACT
9 OR SHOW INTENDED TO AROUSE OR SATISFY THE SEXUAL DESIRES OR APPEAL
10 TO THE PRURIENT INTERESTS OF PATRONS.

11 (L) "TRAFFICKING VICTIM" MEANS A PERSON SUBJECTED TO THE
12 CONDUCT PROSCRIBED UNDER SECTION 462B, 462C, 462D, 462E, 462F,
13 462G, 462H, 462I, OR 462J, OR SUBSTANTIALLY SIMILAR CONDUCT
14 PROSCRIBED UNDER CHAPTER XXVA.

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

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

24 (3) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
25 THE DEATH OF ANOTHER PERSON, THE PERSON IS GUILTY OF A FELONY
26 PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS.

27 SEC. 462C. (1) A PERSON SHALL NOT KNOWINGLY SUBJECT OR ATTEMPT

1 TO SUBJECT ANOTHER PERSON TO FORCED LABOR OR SERVICES BY PHYSICALLY
2 RESTRAINING OR THREATENING TO PHYSICALLY RESTRAIN ANOTHER PERSON.
3 EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3), A PERSON WHO
4 VIOLATES SUBSECTION (1) IS GUILTY OF A FELONY PUNISHABLE BY
5 IMPRISONMENT FOR NOT MORE THAN 10 YEARS.

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

9 (3) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
10 THE DEATH OF ANOTHER PERSON, THE PERSON IS GUILTY OF A FELONY
11 PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS.

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

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

21 (3) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
22 THE DEATH OF ANOTHER PERSON, THE PERSON IS GUILTY OF A FELONY
23 PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS.

24 SEC. 462E. (1) A PERSON SHALL NOT KNOWINGLY SUBJECT OR ATTEMPT
25 TO SUBJECT ANOTHER PERSON TO FORCED LABOR OR SERVICES BY KNOWINGLY
26 DESTROYING, CONCEALING, REMOVING, CONFISCATING, OR POSSESSING AN
27 ACTUAL OR PURPORTED PASSPORT OR OTHER IMMIGRATION DOCUMENT, OR ANY

1 OTHER ACTUAL OR PURPORTED GOVERNMENT IDENTIFICATION DOCUMENT, OF
2 ANOTHER PERSON. EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND (3), A
3 PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY PUNISHABLE
4 BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS.

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

8 (3) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
9 THE DEATH OF ANOTHER PERSON, THE PERSON IS GUILTY OF A FELONY
10 PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS.

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

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

21 (3) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
22 THE DEATH OF ANOTHER PERSON, THE PERSON IS GUILTY OF A FELONY
23 PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS.

24 SEC. 462G. A PERSON SHALL NOT KNOWINGLY RECRUIT, ENTICE,
25 HARBOR, TRANSPORT, PROVIDE, OR OBTAIN BY ANY MEANS, OR ATTEMPT TO
26 RECRUIT, ENTICE, HARBOR, PROVIDE, OR OBTAIN BY ANY MEANS, A MINOR
27 KNOWING THAT THE MINOR WILL BE USED FOR CHILD SEXUALLY ABUSIVE

1 ACTIVITY. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
2 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS.

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

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

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

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

16 (3) 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 (4) IF IN THE VIOLATION OF SUBSECTION (1) THE PERSON CAUSES
20 THE DEATH OF ANOTHER PERSON, THE PERSON IS GUILTY OF A FELONY
21 PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS.

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

26 SEC. 462J. (1) THE ATTORNEY GENERAL, IN CONSULTATION WITH THE
27 DEPARTMENT OF HUMAN SERVICES, SHALL ISSUE A REPORT OUTLINING HOW

1 EXISTING LAWS AND REGULATIONS RESPOND TO THE NEEDS OF TRAFFICKING
2 VICTIMS AND SUGGESTING AREAS OF IMPROVEMENT AND MODIFICATION. THE
3 REPORT REQUIRED UNDER THIS SUBSECTION SHALL BE ISSUED NOT MORE THAN
4 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
5 THIS SECTION.

6 (2) THE DEPARTMENT OF HUMAN SERVICES, IN CONSULTATION WITH THE
7 ATTORNEY GENERAL, SHALL ISSUE A REPORT OUTLINING HOW EXISTING
8 SOCIAL PROGRAMS RESPOND OR FAIL TO RESPOND TO THE NEEDS OF
9 TRAFFICKING VICTIMS AND THE INTERPLAY OF THOSE EXISTING PROGRAMS
10 WITH FEDERALLY-FUNDED VICTIM SERVICE PROGRAMS, AND SUGGESTING AREAS
11 OF IMPROVEMENT AND MODIFICATION, INCLUDING, BUT NOT LIMITED TO, THE
12 ABILITY OF STATE PROGRAMS AND LICENSING BODIES TO RECOGNIZE FEDERAL
13 T NONIMMIGRANT STATUS FOR PURPOSES OF BENEFITS, PROGRAMS, AND
14 LICENSES. THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL BE ISSUED
15 NOT MORE THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
16 THAT ADDED THIS SECTION.