

Act No. 162
Public Acts of 2006
Approved by the Governor
May 25, 2006
Filed with the Secretary of State
May 26, 2006
EFFECTIVE DATE: August 24, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Rep. Pavlov

ENROLLED HOUSE BILL No. 5747

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (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 1 or more of the following:
 - (i) An act of sexual penetration or sexual contact as those terms are defined in section 520a for which anything of value is given or received by any person.
 - (ii) Any conduct prohibited under section 145c(2) or (3).
 - (c) “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.
 - (d) “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.

(e) “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.
- (f) “Labor” means work of economic or financial value.
- (g) “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.
- (h) “Minor” means a person under 18 years of age.
- (i) “Obtain” means to secure performance of labor or services.
- (j) “Services” means an ongoing relationship between a person and another person in which the other person performs activities under the supervision of or for the benefit of the person, including, but not limited to, commercial sexual activity and sexually explicit performances.

Sec. 462b. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by causing or threatening to cause physical harm to another person. Except as provided in subsections (2) and (3), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 10 years.

(2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.

(3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.

Sec. 462c. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by physically restraining or threatening to physically restrain another person. Except as provided in subsections (2) and (3), a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years.

(2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.

(3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.

Sec. 462d. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by abusing or threatening to abuse the law or legal process. Except as provided in subsections (2) and (3), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 10 years.

(2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.

(3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.

Sec. 462e. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by knowingly destroying, concealing, removing, confiscating, or possessing an actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person. Except as provided in subsections (2) and (3), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 10 years.

(2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.

(3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.

Sec. 462f. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by using blackmail, using or threatening to cause financial harm to, or exerting or threatening to exert financial control over another person. Except as provided in subsections (2) and (3), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 10 years.

(2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.

(3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.

Sec. 462g. A person shall not knowingly recruit, entice, harbor, transport, provide, or obtain by any means, or attempt to recruit, entice, harbor, provide, or obtain by any means, a minor knowing that the minor will be used for child sexually abusive activity. A person who violates this section is guilty of a felony punishable by imprisonment for not more than 20 years.

Sec. 462h. (1) A person shall not knowingly do 1 or both of the following:

(a) Recruit, entice, harbor, transport, provide, or obtain by any means, or attempt to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services.

(b) Benefit financially or receive anything of value from participation in a venture that has engaged in an act described in this chapter.

(2) Except as provided in subsections (3) and (4), a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years.

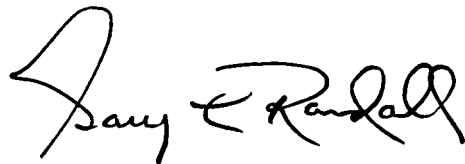
(3) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.

(4) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.

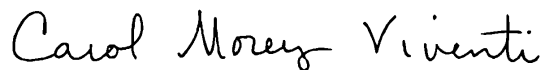
Sec. 462i. If a violation of this chapter involves kidnapping or an attempt to kidnap, criminal sexual conduct or an attempt to commit criminal sexual conduct, or an attempt to kill, the defendant shall be imprisoned for life or any term of years.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor